

Planning Committee

Town Hall, Colchester
17 December 2009 at 6.00pm

This committee deals with

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk.

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or
textphone 18001 followed by the full number that you wish to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

Material Planning Considerations

The following are issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as local and structure plans, other local planning policies, government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
17 December 2009 at 6:00pm**

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Stephen Ford.
Councillors Mary Blandon, Helen Chuah, Mark Cory,
John Elliott, Andrew Ellis, Theresa Higgins, Sonia Lewis,
Jackie Maclean, Jon Manning and Ann Quarrie.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-
Councillors Christopher Arnold, Nick Barlow, Lyn Barton, John Bouckley, Nigel Chapman, Peter Chillingworth, Barrie Cook, Beverly Davies, Wyn Foster, Mike Hardy, Pauline Hazell, Peter Higgins, Martin Hunt, Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen, Lesley Scott-Boutell, Laura Sykes, Jill Tod, Anne Turrell and Julie Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is circulated at the meeting and members of the public should ask for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

3. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes 1 - 9

To confirm as a correct record the minutes of the meeting held on 3 December 2009.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

- | | | |
|----|----------------------------------------------------------------------------------------------------------------------|----------------|
| 1. | 090732 Land adjacent 9 Walters Yard, Colchester
(Castle) | 10 - 20 |
| | Erection of 1 bedroom detached dwelling with basement. | |
| 2. | 091417 13 Nayland Road, Colchester
(Mile End) | 21 - 27 |
| | Variation/removal of Condition 2 of planning approval COL/92/1460. | |
| 3. | 091441 The Cottage, Moor Road, Langham
(Dedham and Langham) | 28 - 32 |
| | Change of use from agricultural land to garden extension. | |
| 4. | 091442 35 De Vere Road, Colchester
(Prettygate) | 33 - 36 |
| | Two storey rear extension. | |
| 5. | 091513 Greenstead Road, Colchester
(St Andrew's) | 37 - 43 |
| | Slim line mono pole streetworks structure and associated equipment cabinets accommodating O2 equipment and Vodafone. | |
| 6. | 090817 1 Moorside, Colchester
(Castle) | 44 - 48 |
| | Change of use from Betting Shop (Class A2) to Indian takeaway (Class A5) - (Rebsubmission of 081777). | |
| 7. | 091261 Little Netherhall, Princel Lane, Dedham
(Dedham and Langham) | 49 - 55 |

Proposed single storey rear extension to form kitchen/breakfast area, family room and utility area. Erection of single bay cartlodge.

8. 091263 Little Netherhall, Princel Lane, Dedham (Dedham and Langham) **56 - 59**

Proposed single storey rear extension to form kitchen/breakfast area, family room and utility area. Erection of single bay cartlodge.

- 8. Enforcement Report // Geylanii Stores, 11 St Botolphs Street, Colchester 60 - 62**

See report by the Head of Environmental and Protective Services.

- 9. Enforcement Report // The What Bar, 7 Queen Street, Colchester 63 - 65**

See report by the Head of Environmental and Protective Services.

- 10. Enforcement Report // Land at The Smallholding, Colchester Road, Mount Bures 66 - 70**

See report by the Head of Environmental and Protective Services.

11. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**PLANNING COMMITTEE
3 DECEMBER 2009**

Present :- Councillor Ray Gamble* (Chairman)
Councillor Sonia Lewis* (Deputy Mayor)
Councillors Mary Blandon*, Helen Chuah*,
Mark Cory*, John Elliott*, Andrew Ellis*,
Jackie Maclean and Jon Manning*

Substitute Members :- Councillor Michael Lilley
for Councillor Stephen Ford
Councillor Barrie Cook
for Councillor Theresa Higgins*
Councillor Sue Lissimore
for Councillor Ann Quarrie

Also in Attendance :- Councillor Christopher Garnett
Councillor Kevin Bentley

(* Committee members who attended the formal site visit.)

141. Minutes

The minutes of the meetings held on 5 November 2009 and 19 November 2009 were confirmed as a correct record.

142. 091193 Turner Road, Colchester, CO4 5JL

The Committee considered an application for the erection of a building for the decontamination and sterilisation of hospital equipment, associated car parking and landscaping. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Highway Authority had required the provision of a pedestrian/cycle ramp and an east-west cycle route to mitigate the impact of the additional travel volumes generated by new staff at the facility. This requirement was supported by the Council's Development Team. At the time of writing the committee report discussions were ongoing with the Highway Authority regarding the provision of these highway works, however since the report had been published the Colchester Hospital University NHS Trust had indicated that they did not consider the requirement for these works to be reasonable at this stage as the Trust would be reviewing and updating their own Travel Plan, including improved cycle facilities, as part of a future application for additional staff and public parking at the General Hospital and

the suggestion was that these highway requirements could be included at that stage.

RESOLVED (UNANIMOUSLY) that subject to confirmation from the Development Team that they were content with the proposal put forward by the Colchester Hospital University NHS Trust regarding the highway works, the Head of Environmental and Protective Services be authorised to approve the application with appropriate conditions. In the event that the Development Team are not willing to accept the proposal, the application be refused on the grounds that the highway works as required have not been included in the application.

Councillor Andrew Ellis (in respect of having previously used the services of the objectors' agent) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

143. 081633, 090795 and 081631 Gun Hill Garage, Ipswich Road, Dedham, CO7 6HR

The Committee considered three applications for this site as set out below:

- 081633, a retrospective application for the erection of perimeter security fencing;
- 090795, a part retrospective application for the construction of earth bunds and landscape works;
- 081631, a part retrospective application for the erection of storage racking.

The Committee had before it a report on each application in which all information was set out, see also Amendment Sheet in respect of 081631.

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. Both the wooden fencing and palisade fencing were to be painted a matt dark green colour. The landscaping scheme was to be planted in the first planting season after approval of the application and would include semi-mature or mature trees. In respect of the storage racking, the landscaping was considered sufficient to screen the racking but a temporary consent was recommended to ensure that the landscaping was sufficient to achieve satisfactory screening.

Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 on behalf of the Dedham West Residents' Association in opposition to the application. He stated that those who live in Coles Oak Lane are generally supportive of this site. However proposals did raise fundamental issues concerning the longer term control of the site. He understood that the primary use of the site is now the sale of road worthy cars which is a different use class from its current lawful use as a scrap yard and breakers yard. If these permissions are granted they will include a use which is outside that of the current certificate of lawful use. It was his view that this would constitute a change in use of the land which had not been ratified as acceptable. This new use covers a large part of the site which could intensify with more racks. He referred to the minute in respect of the application for the portacabins in November 2008, and in particular that an investigation could take place before other applications come to the Committee to establish whether the current lawful use included sales or part sales. He believed that advice was absent at the moment. His client would like the Committee to consider that, in light of legal advice, whether car sales use should be regularised. He confirmed that local residents would support two tier operation of the racking with a temporary restriction to allow sufficient time for landscaping to be effective.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. A number of enforcement officers have taken great trouble to keep the site in good order. In respect of 081633, he fully supported the matt painting in condition 1 on page 27, but asked that the palisade be toned down as well. In respect of 090795, he would support condition 3 for the management plan and hoped that the parish council and ward member would be kept informed of the plan when it is submitted. In respect of 081631, he would support the removal of the racking in the event that the landscaping was not completed. He requested that the racking of cars should be initially restricted to two tiers and only when the foliage was green to permit three tiers of cars. Finally he supported the recommended conditions for this application but asked that the parish council and ward council be kept informed.

In response to Mr Gittins, the planning officer confirmed that the sale of road worthy cars would go beyond what is permitted by the certificate of lawful use. He was not able to confirm if there had been an investigation but in any case it would be outside the scope of the current application. He undertook to investigate the matter and, if necessary, to deal with it either by enforcement or by a further application. He confirmed to Councillor Garnett that the condition required all fencing to be painted and toned down but the condition could be made more explicit to specify the timber fencing and palisade fencing.

Members of the Committee were in agreement with the more explicit wording for the painting of the timber fencing and palisade fencing. They were also in agreement with permitting the lower two tiers only initially to permit the landscaping foliage to grow so as to provide a sufficient screen and then to permit the third, top tier; Condition 2 for application 081631 would need to be amended to reflect this requirement. There was a suggestion that this permission could be for two years to give the planting an opportunity to develop, and at the end of that time an application for the use of the third tier could be considered. Members wanted it made clear that it was the top 'roof' area of racking which could not be used for storage of cars at this stage. Members were also keen to establish what the situation was in respect of the extent of what is permitted on the site under the certificate of lawful use.

RESOLVED (UNANIMOUSLY) that application 081633 be approved with conditions and informatives as set out in the report with Condition 1 amended to include the wording "palisade and timber" before the word "fencing" in the second line.

RESOLVED (UNANIMOUSLY) that application 090795 be approved with conditions and informatives as set out in the report.

RESOLVED (UNANIMOUSLY) that application 081631 be approved with conditions and informatives as set out in the report for a temporary period until 1 January 2012, with condition 2 reworded so that the top rack is not permitted for the use and no more than two cars are stacked one above another.

144. 091226 Oxley House, Mersea Road, Abberton, CO5 7NR

The Committee considered an application for alterations and extensions on the north side of the existing dwelling house and the creation of a lake area and conservation water feature with surrounding planting. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that the proposed extensions to the dwelling would cause no harm to the surrounding countryside. All areas beyond the residential curtilage were deemed to be agricultural land and the proposed water feature area falls within land proposed as additional residential curtilage. The water feature is seen as an enhancement of the site and of benefit to the surrounding area. He suggested that it would be prudent for the Committee to include a condition which detailed the extent of the

curtilage for the avoidance of doubt as to its extent.

Mrs P. Hackett addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Their patio area adjoins the site and whilst they had no concerns regarding the proposals per se, they were concerned that by installing a water feature on agricultural land there was a danger that the status of the agricultural land may change to residential curtilage with the risk of it becoming subject to development.

Having sought clarification on whether it was being suggested that the land be included as part of domestic curtilage or that it remain as agricultural land, the Committee suggested that if it was to be regarded as domestic curtilage then permitted development rights should be removed. The planning officer clarified that the lake area will be regarded as domestic curtilage and all areas beyond that are not within the domestic curtilage and that it would be prudent to remove permitted development rights from the water feature area.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with additional condition on the amendment sheet and further conditions to define the residential curtilage and to remove permitted development rights for garden structures from the approved water feature area.

145. 091245 Bellwood, Colchester Road, Great Wigborough, CM9 8HG

The Committee considered an application for a proposed conservation woodland and meadow with support facilities. The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that the applicant had agreed by way of a Unilateral Undertaking that he will vacate and remove the mobile home from the site, but is seeking to erect three structures which would be used in connection with the formation of a conservation woodland on the majority of the site to the south of the plot together with a meadow area and drainage point on the frontage, the regeneration of the frontage hedgerow, and retention of the existing access and hardstanding areas. The three structures are a tall structure to the rear of the site, a small toilet building towards the frontage of the site and an open sided tractor shed, all to support the management of the woodland and the meadow, which does not

require permission.

Mr Laurance Hunnaball addressed the Committee on behalf of the applicant, pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The applicant had wanted to live and be self-sufficient on the site, but he now wanted to vacate the land and leave it as a legacy to his children. The machinery was necessary to enable the site to be maintained in accordance with forestry requirements and the buildings were necessary mainly to accommodate and maintain the equipment, but also because some equipment had been stolen from the site. He stressed that the site would remain as agricultural use. The front hedge had been removed due to Dutch Elm disease but a new hedge would be planted which could be positioned to provide the optimum site lines for the existing access, at which point the road is subject to a 40mph speed restriction.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He conveyed that there was great concern amongst local people about the site in general which has a long history going back 5 years. The fundamental concern in respect of this application is that this is agricultural land and should remain so. There appears to be no application to change the use of the land which was welcomed, but the buildings were of concern, particularly the toilet block. The only reason for a toilet block would be if the site was being opened to the public, so the need for such a building is not understood. He noted that the Highway Authority consider the dimensions of the toilet building and store shed to be excessive which seems to contradict the planning officer's view which is that the buildings are in line with their setting. The meadow and woodland were supported but he asked for further clarification on the need for facilities on this parcel of farmland.

Concerns expressed by members of the Committee included the mismatch between the scale of the enterprise and the size of the buildings in the application. Whilst they were delighted with the proposal for a woodland and the legacy, they requested clarification on the woodland, specifically what a managed woodland is, how long it would take to establish, how much management is required and how intensive the work would be to maintain it effectively. There were also concerns about the size and siting of the buildings, particularly the toilet block, the need for which was questioned as it was considered to be out of keeping in this location. The need for a tractor was understood but the view of some members was that the existing tractor shed was too close to the road and it was suggested that it be relocated further back. The size and position of the implement store was questioned; if the proposed store was larger than the existing store that would be unacceptable, but it was considered that in its current position the implement store was easy to break into without being seen. Further information was

requested on the circumstances under which the mobile home was to be removed.

In response the planning officer explained that the woodland would be planted with indigenous species and thereafter managed in consultation with the Woodland Trust but there was no detailed information on the management regime in terms of man hours required, the length of time for it to grow and the justification for certain types of equipment and facilities to support the venture. The toilet block would be a garden building with a toilet inside and as such had been assessed in terms of its impact on the countryside. The tractor shed was in a conspicuous position and if it were to be relocated to a less conspicuous position, possibly closer to the edge of the site and screened, it would be less vulnerable to theft. If the Committee were minded to defer consideration of this application, it would be possible to come back to a future meeting with a response to the issues raised.

In regard to the removal of the mobile home, the Unilateral Undertaking stated that the applicant was to cease occupation of the mobile home within 42 days of the notification of a refusal on application 090342 for the chicken unit. This notice had been issued on 16 July 2009. It was confirmed that it was for the Council to decide whether to take action on the removal of the mobile home in co-operation with the owner. This site is now proposed to become a wildlife area and not a site on which the applicant wished to live.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for more information on the implementation, management regime and maintenance facilities required for the woodland; negotiation on the removal of the toilet block which it was considered would appear harmful to the countryside; and, subject to any justification of need, a reduction in scale and relocation of the other buildings.

146. High Hedge Complaint // Pumphouse, Queens Road, Wivenhoe, CO7 9JH

The Committee considered a report by the Head of Environmental and Protective Services seeking authorisation for a Remedial Notice to be served securing the reduction of the hedge to a height of 5.28 metres in the first instance and then for the hedge to be maintained thereafter at a height of not more than 5.88 metres. The Committee had before it a report in which all information was set out.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained the legislation under which complaints

against high hedges were made and also the methodology by which a determination is made on whether a hedge meets criteria for a high hedge. The methodology includes consideration of the height and orientation of the hedge and the size of the affected garden. This hedge not only satisfies the criteria for a high hedge, but it has a negative impact on the neighbouring garden. The owner of the hedge had been approached and requested to reduce its height and as a last resort a Remedial Notice has been issued. He referred to paragraph 7.2 of the report by the Head of Environmental and Protective Services which set out the guidelines for the height of such hedges to be reduced; initially to 5.28metres and subsequently to be maintained at 5.88metres.

Mr Morris addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the Remedial Notice. He inherited the hedge when he bought the property and was aware that the neighbouring local authority do not have a problem with 5.88metre hedges. Andrew Tyrrell had measured the hedge to be 5.88metres from the garden on the west side. He had agreed that he would cut the hedge if it failed under planning rules. The hedge is between 5.2metres and 5.4metres. He was upset to hear that this matter came under the anti social behaviour legislation. He understood that there was no time limit and 2 years ago he had had the hedge cut which cost him £1,200. Since then he has been cutting it slowly. He only wanted to have some privacy in his garden.

Mr Shirley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the Remedial Notice. He supported the officer's recommendation. He wrote to Mr Morris and understood his need for privacy. However, for seven years before Mr Morris bought the property, Anglian Water kept the hedge to 3.7metres. He wrote on 8 August 2006 and thanked him for keeping the hedge to 4 metres high. Since July it has now grown beyond 6 metres and it is still growing. It is a very untidy hedge and not kept to the standard they are used to. The hedge affects the light to their lounge window, especially in the winter when, as the sun drops, they get less light. He requested reassurance that the recommendations would be adhered to.

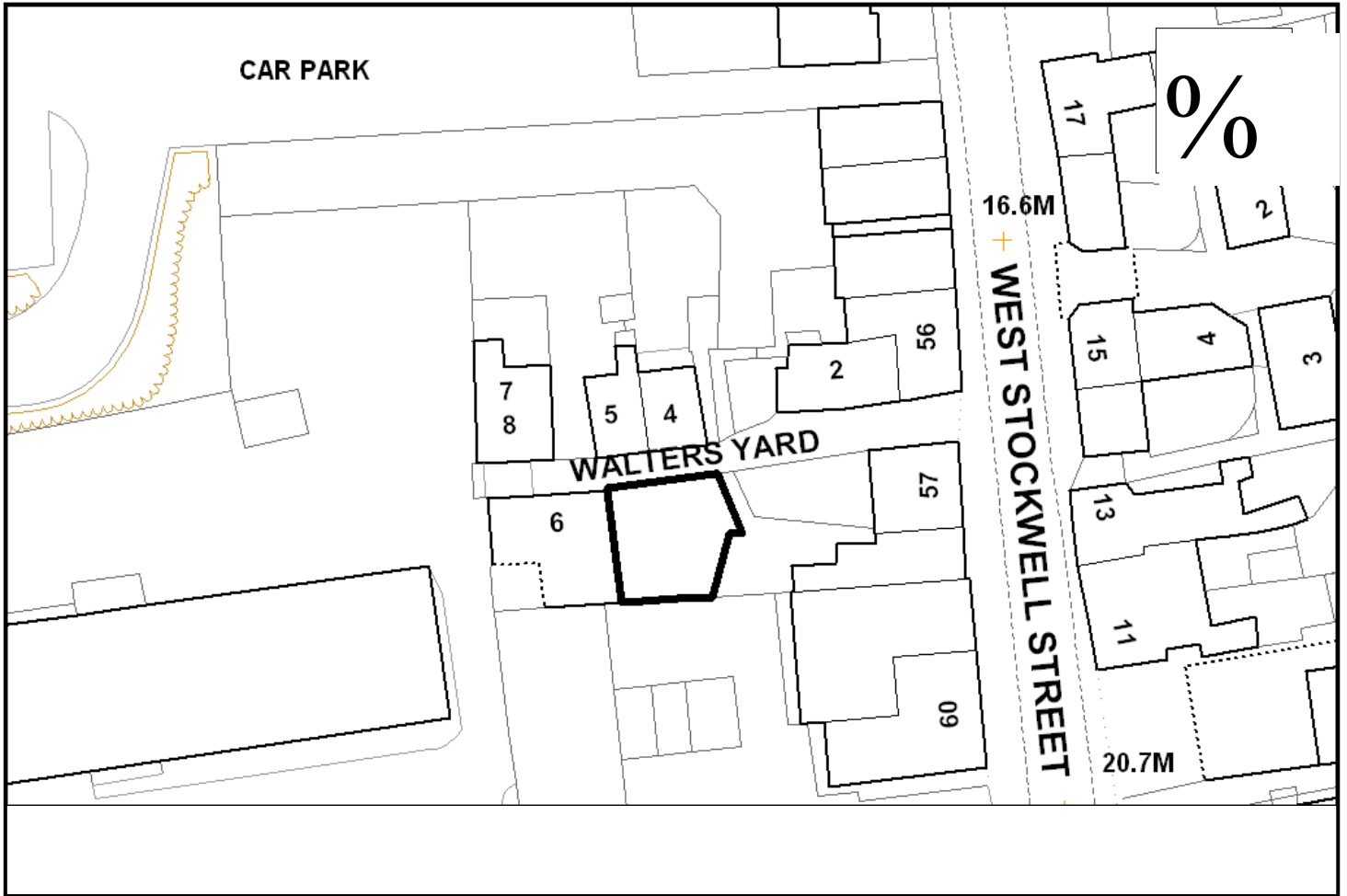
It was clear to members of the Committee that this matter had resulted in a difficult situation between the two neighbours, but if the hedge contravened the high hedge rules it should be reduced. Members sought reassurance that the hedge had been measured from the correct side bearing in mind that the ground levels on either side of the hedge differed by 1.05metres, they also wanted confirmation on whether it could be lower than 5.88metres.

In response the planning officer referred to paragraph 3.5. The height of the hedge and its impact on the owner of the hedge are of no concern. The

hedge has been measured on the side where it is required to be measured, which is on the complainant's side from the footpath using the council's own equipment. The officer confirmed that it was a very precise measurement as stated in his presentation. If a Remedial Notice is served the owner has a right of appeal in respect of ground levels. The hedge could be lower than 5.88metres but that must be between the parties; the minimum height is 2 metres. The proposed action is a matter of last resort where mediation has failed.

Having heard confirmation that the hedge was measured correctly and that the measurement was recorded at higher than 5.88metres the members of the Committee were prepared to accept the recommendation.

RESOLVED (UNANIMOUSLY) that a Remedial Notice be served at the Pumphouse, Queens Road, Wivenhoe, requiring the reduction of the hedge to a height of 5.28 metres in the first instance and then for the hedge to be maintained thereafter at a height of not more than 5.88 metres, both measurements to be taken from the complainant's side.



Application No: 090732

Location: Land Adjacent, 9 Walters Yard, Colchester, CO1 1HD

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008



Committee Report

Agenda item

7

To the meeting of **Planning Committee**

on: **17 December 2009**

Report of: **Head of Environmental and Protective Services**

Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item. An index to the codes is provided at the end of the Schedule.

7.1 Case Officer: Mark Russell

MINOR

Site: 9 Walters Yard, Colchester, CO1 1HD

Application No: 090732

Date Received: 7 October 2009

Agent: Ellisdale Limited

Applicant: Ms Sarah-Jane Money

Development: Erection of 1 bedroom detached dwelling with basement

Ward: Castle

Summary of Recommendation: Conditional Approval subject to signing of Unilateral Undertaking

1.0 Planning Report Introduction

- 1.1 This item was deferred from the Committee of 19th November in order for additional nearby properties to be consulted.
- 1.2 These properties were consulted on Monday 23rd November, and given 21 days to respond. Fourteen days later (7th December) no additional representations had been received. Any such representations will be included, with an Officer response if applicable, on the amendment sheet.

2.0 Site Description

2.1 The site comprises a small parcel of land currently laid out to grass on Walters Yard set behind Grade II Listed Buildings on West Stockwell Street within Colchester Conservation Area 1. Its dimensions are approximately 8 metres x 9 metres. An existing high red brick wall is located on the south boundary. The side elevation of No. 9 Walters Yard is to the west, with open frontage to the north and the garden wall of 57 West Stockwell Street to the east.

3.0 Description of Proposal

3.1 The proposal follows previous outline permission for a stylish “cottage ornée” (application O/COL/05/1882) which has proved to be difficult to build. The applicant describes the proposal as “a modern folly” which is less flamboyant than the currently approved scheme, and would utilise copper, glass, timber and render in its construction.

3.2 The design of the building is unique and hard to place in to any category, being made up of the individual twists and features which respond to the constraints of the site. These include an opaque glass boundary enclosure and a slanted pergola which the applicant states will add “transparent privacy” and a copper barrel roof to allow for storage and to avoid an overbearing effect on neighbouring property.

3.3 The property would also include a feature described as a “moat” which would be placed at the front and would assist in the cooling of the ground floor in the summer.

3.4 The plot would contain very limited amenity space and no parking provision.

3.5 Within the building itself, the master bedroom with en-suite would be situated in the first floor. An open staircase would lead down to the ground floor which would house a living room and kitchen/diner as well as bicycle and bin storage.

3.6 The finishing touch to the proposal is the basement which would feature a “hobby room/multi-use space” the applicant has shown this as housing a home cinema, plunge bath, sauna and store.

3.7 The highest point of the building would be six metres from ground level (but only 3.2 metres on the Walters yard frontage), with a further excavation below ground of approximately 2.8 metres.

4.0 Land Use Allocation

4.1 Residential in Colchester Conservation Area 1

5.0 Relevant Planning History

5.1 O/COL/05/0036 – Proposed two bedroom dwelling. Withdrawn 3rd March 2005.

5.2 O/COL/05/1882 – Outline application for proposed single-storey cottage ornée (resubmission of O/COL/05/0036). Approved 8th February 2006.

5.3 072203 – Erection of 1 bedroom house. Withdrawn 31st October 2007

6.0 Principal Policies

6.1 Adopted Review Colchester Local Plan
DC1- Development Control considerations
UEA1 – Character of Conservation Areas
UEA2 – Buildings in Conservation Areas
UEA11 – Design
UEA12 – Backland Development
UEA13 – Development Adjoining Existing Properties
P1 – Pollution

6.2 Core Strategy
SD1 – Sustainable Development Locations
UR2 – Built Design and Character

7.0 Consultations

7.1 The Design & Heritage Unit responded as follows:

The proposal is for a residential infill in a backland with walls to three sides surrounded by a mix of modest Victorian semi-detached houses and modern concrete office and local authority built residential buildings. The proposal is of a contemporary style, a modern folly, utilising materials such as copper, glass and exposed timber.

From a policy viewpoint, the Council is not against contemporary methods and materials and encourages high quality, creative design and showcases of innovative sustainable construction methods. This commitment is well formulated in the Core Strategy, Policy UR2 – Built Design and Character. The Council is equally committed to enhancing the historic built character, with well designed and built, distinctive developments that are both innovative and sympathetic to local character.

The design is distinctive and refreshingly different and contemporary, while achieving massing, scale and proportion of a domestic feel and sympathetic to the surrounding area. The building demonstrates a good fit within the site constraints and sensitively addresses potential overlooking. The building height remains low with the introduction of a low pitch barrel aspect copper roof. The proportioning of the building and its openings is well balanced and provides visual interest. A sustainable, off site construction method will be utilised for elements of the building.

The use of contemporary materials provides a fresh visual interest, while the attention to detail provides aesthetic quality. The use of different, contrasting materials is seen as successful, reflecting the contemporary form of the building, and adding to the variety of forms and materials already present in the Dutch Quarter. It is considered that the building will fill in an unsightly gap on site and will enhance the character of the Dutch Quarter as a whole.

As the site does not have a street frontage, the views are limited and the proposal has a neutral effect on the conservation area. Attention must be given to the surface treatment around Walters Yard access and at the boundary with 57-58 West Stockwell Street.

7.2 Museum Resources stated:

I would recommend that following the archaeological evaluation in May of this year our standard archaeological condition C2.2 be imposed if consent is granted.

7.3 Environmental Control had commented on previous applications without objection, and requested that a standard demolition and construction advisory note be attached to any decision.

7.4 The Highway Authority had previously objected, stating that the proposals would lead to the intensification of use of an already substandard private drive, and thus increased congestion and obstruction of the highway. It has confirmed "The HA would recommend as previously recommended, refusal for the same reasons."

8.0 Representations

8.1 Seven letters of objection have been received from nearby properties and the Dutch Quarter Residents' Association.

1. Access arrangements whilst works are carried out (including when the site is secured at night);
2. Disturbance whilst work is carried out
3. Foundations could undermine other properties;
4. Loss of light to existing properties;
5. Loss of light to existing properties (including to the balcony of 9 Walters Yard);
6. The site owner does not keep the site tidy;
7. Property prices would be affected;
8. The loss of an open space;
9. Loss of possible Roman remains;
10. Disturbance of possible underground springs;
11. The plot is too small for a house;
12. Loss of the old brick wall to the southern boundary;
13. Overdevelopment of an already densely-populated area;
14. Possible noise transfer from second floor bedroom to living room of 9 Walters Yard;
15. Problems of sewerage and water disposal;
16. Too close to existing properties in terms of current guidance;
17. The building will narrow the width of Walters Yard;

9.0 Report

9.1 The background to this application is the previous permission given under O/COL/05/1882. The principle of a dwelling – with access issues, loss of open space and all – was accepted at that point. It would be unreasonable to go back on that position. Issues of design, residential amenity, amenity space, archaeology, parking, highways and other are looked at below:

9.2 **Design:** The permitted scheme has proved costly and difficult to build. This led to application 072203, which was a far more prosaic affair, and was consequently withdrawn prior to any refusal.

- 9.3 Following this, a series of meetings between the applicants and their representatives, and your Officers led to the evolution of a new proposal, which began to take the form which is now being offered. Our Urban Designer gave a positive steer, stating:

Overall silhouette and elevations

The east elevation appears flat and needs stronger accentuation to read as a gable – this can be achieved either by extending the eaves to a sharp angle or extending the skylight to the roof edge with a steeper face. The sloping eaves line adds to the modern look and it appears well balanced in the overall composition. Although the building shapes and openings are well balanced, the use of too many different materials makes the overall composition too busy and unbalanced.

Materials palette

A simpler palette and an element of unity needs to be introduced to provide the balance - e.g. all the roofs and flues in copper can provide the unifying element, and a combination of render and timber cladding for the walls (as shown on the sketch) would define the different building forms well and provide unity and balance at the same time.

Glass screen

The use of a sand blasted glass to the north edge is welcome, it provides a light enclosure and complements the material palette (skylight and sand-blasted window on the gable end). Attention should be given to the finish at ground level, to provide a base for the glass to sit on and for water to drain, perhaps gravel or pebbles. The glass screen on the east side seems unnecessary, if the ground level of the new unit will drop from the current level (I assume). Anyway the scheme shows vegetation along this edge, which can in itself provide a screen for the private courtyard.

- 9.4 These changes have been implemented, and the result is the proposal before Members today.
- 9.5 The design has moved away from the “quaint” cottage ornée, and instead has a more contemporary feel to it, which can be seen as innovative and refreshing, without jarring with the existing look and feel of the area.
- 9.6 In particular the scale, massing, and positioning of the building is held to comply with the relevant policies in our Local Plan, notably UEA2 (b) which states that a new building will **be permitted only provided that:** “.....its siting retains the existing street building line and the rhythm of the street, its mass is in scale and harmony with the adjoining buildings and the area as a whole, and the proportions of its parts relate to each other and to the adjoining buildings.”
- 9.7 The proposal building would respect the building line to the left hand side of Walters Yard, its parts also relating proportionately to each other and surrounding buildings. Notwithstanding the fact that it has a modern feel to it, in particular with its use of copper and glass, your Officers feel that this building would sit comfortably within, and would enhance, the Conservation Area.
- 9.8 For this reason Members are asked to support the proposed design.

- 9.9 **Residential amenity:** It is accepted that the proposal is larger than that which has permission, and that this could have additional effects which would not have been felt under that permission. The authorised house would have measured 2.7 metres at the Walters Yard end, reaching up to 5.9 metres (as opposed to 3.2 metres and 6 metres respectively), and the new proposal would fill the plot – thus taking it four metres closer to 57 West Stockwell Street than the authorised building.
- 9.10 This increase could potentially lead to the house being overbearing on existing dwellings, and could exacerbate loss of light.
- 9.11 In reference to this, policy UEA13 (d) states that a proposal may be refused if it leads to an “unreasonable loss of natural daylight or sunlight to an adjoining dwelling or its curtilage.” As to what exactly “unreasonable” would mean in this context, the Essex Design Guide (“Daylight and Sunlight” pages 30-31) suggests that “Acceptable daylight in interiors is achieved if a 25 degree vertical angle from a point two metres above the floor at the façade is not obstructed.” The proposal complies with this in relation to numbers 4 and 5 Walters Yard. Further, it states “It is not a reasonable requirement for all dwellings to have sunlit rooms.” Thus, although light would be lost (particularly with the new building being to the south-facing aspect of the affected properties), this does not fail guidance, and therefore is policy compliant.
- 9.12 Whilst the above guidance generally refers to “front to front” scenarios, if we also apply it to the side we find that the gap between the proposed building and 57 West Stockwell Street is such that the two metres plus 25 degree rule is also complied with in this case.
- 9.13 To 58 West Stockwell Street, the same is true. Although it could be argued that the single storey elements to that house mean that the proposal fails the rule, it is normally employed for the main part of the house rather than any extended sections. It should also be added that in the case of both numbers 57 and 58, much of the light is already blocked by the existing high wall and surrounding buildings, particularly the buildings belonging to BT. There is, however, a small area of sunlight available in summer months in the south-western skies which will be affected. This is not seen as a reason for refusal.
- 9.14 The rear balcony to 9 Walters Yard would lose light from the east and south-east due to the positioning of the new building. This would be in part off-set by the glass section to the roof.
- 9.15 This scenario was previously held to be acceptable when permission was granted under O/COL/05/1882, albeit that this was 100mm lower than the current proposal.
- 9.16 Regarding the issue of potential privacy loss, each possibility of this requires investigation:
- 9.17 The deep side window which spans the ground and first floors is to be obscured. The level and detail of this can be agreed by condition.

- 9.18 The door-shaped window which faces on to Walter Yard is in fact a fire escape which is to be obscure-glazed. This is at the front of a small “porch” promontory of over a metre in depth, and as such is set away from the bedroom itself. It could, however, still lead to some incidental invasion of privacy should it be opened at any time, and so a condition is proposed to agree details of the fire door such that its mechanism is inconvenient for common usage, yet still fit for purpose in case of emergency.
- 9.19 The ground floor glazing is to “sand-blasted” and therefore also obscured to protect mutual privacy.
- 9.20 Regarding potential noise transfer, this is covered by Part E of the Building Regulations, and is not, therefore, a Planning matter. Sewerage is also under the remit of the Building Regulations.
- 9.21 **Amenity Space:** As described, very little amenity space is offered with this proposal (approximately 12 metres square, in very enclosed conditions). Whilst no guidance exists to tell us that this is acceptable, it is an inevitable fact that this will occasionally occur in a tightly built central urban situation such as the Dutch Quarter. In mitigation, the proximity to town centre facilities, including the Castle Park, can be held to outweigh this concern.
- 9.22 **Archaeological matters:** A field survey was carried out, at the request of your Officer, to the satisfaction of our Museum Resources team, prior to submission of this application. This was carried out by the Colchester Archaeological Trust in line with its standard procedures and in liaison with Colchester Borough Council. It revealed that the Roman archaeological horizons were between 1 metre and 1.4 metres in depth below present ground-level and were “overlaid by a considerable depth of post-medieval and modern strata.”
- 9.23 A robber trench was discovered in the position of the wall of a Roman building, this appears to have been robbed out in the medieval period.
- 9.24 Some fragments of pottery, and a single tessera or floor-tile, were found.
- 9.25 The Borough Archaeological Officer has recommended that full excavation and recording is required in light of the results of the archaeological evaluation and the location of the proposed development within the historic town centre. Standard archaeological condition C2.2 should be imposed if consent is granted to secure this recording.
- 9.26 **Parking:** No parking is provided, in line with previous permission O/COL/05/1882. It is noted that a few properties in the area have parking provision, notably there is some garaging which is accessible to the rear, however the vast majority of properties in this densely-built, town centre location have no parking and would not normally be expected to have any given the scarcity of space and the proximity to town centre facilities. The same is true of the application site and lack of parking should not be used as a reason for refusal.

- 9.27 **Highways issues:** The Highway Authority's concerns over intensification of use of an already substandard private drive are noted, but given the lack of any parking provision, it is improbable that any occupiers of the property would use vehicles in the narrow Walters Yard other than briefly for loading and unloading, as is currently the case for some existing users.
- 9.28 **Other Matters:** The other main issues which have been raised relate to access and potential nuisance during the proposed works.
- 9.29 Whilst obstruction of an access is outside the remit of Planning, it is noted that this could occur in relation to on site works including deliveries. This can be dealt with by a condition which asks the applicant to supply a full methodology of works, including a solution to access and delivery issues, which will need to be agreed in writing by Colchester Borough Council.
- 9.30 In addition, the applicants will be issued with a standard demolition and construction advice note which they should pay heed to. If activities on site become a statutory nuisance, our Environmental Control team may be in a position to take action, including the service of a notice.

10.0 Conclusion

- 10.1 The proposed scheme is seen as a suitable alternative to the stylised "cottage ornée" which was earlier permitted. Issues of amenity have been dealt with, and those relating to access and working practices are noted, and it is felt that these can be tackled by use of conditions, as well as other legislation.
- 10.2 Members are, therefore, advised to approve this application.

11.0 Background Papers

- 11.1 ARC; Core Strategy; DHU; MR; HH; HA; NLR

Recommendation - Conditional Approval subject to dating of a Unilateral Undertaking for contribution to Open Space and Community Facilities.

Conditions

1 – A1.5 Full Perms (time limit for commencement of Develop

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2 – C3.1 (Materials)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the development preserves and enhances the character and appearance of the Conservation Area.

3 – Non Standard Condition

Prior to the commencement of development, including excavation, the applicant shall submit details of a scheme of works to the Local Planning Authority. These shall include details of access arrangements to Walters Yard, delivery and storage of materials, noise and dust control and storage of plant and vehicles needed in association with the works. These details shall be agreed in writing and shall be adhered to at all times.

Reason: In the interests of residential and Highway amenity in this densely populated, mainly residential, area.

4 - C2.2 Archaeological Excavation and Evaluation

No development shall take place within the application site until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To prevent risk of damage to archaeological remains of acknowledged importance.

5 – Non Standard Condition

Windows and walls shown to be obscured/sand-blasted on the drawings hereby approved shall be so obscured to a level to be agreed in writing with the Local Planning Authority prior to development and shall remain as such at all times. Further details of the degree of obscuration achieved by the sand-blasting shall be provided in writing to the Local Planning Authority prior to the commencement of development and shall be agreed in writing and shall be implemented as such and remain so at all times thereafter.

Reason: In the interests of visual amenity.

6 – Non Standard Condition

Prior to the commencement of development, the applicant shall provide details in writing of the fire escape, including fire door, as mentioned on the drawings hereby approved. These details shall be agreed in writing by the Local Planning Authority and shall be implemented and remain as such at all times.

Reason: In the interests of residential amenity.

7 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no development within Classes A to Hof Part 1 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority.

Reason: Notwithstanding the limited scope for such development within this small plot, the Local Planning Authority would wish to avoid any minor accretions and additions which could produce a visually unsatisfactory form of development within this Conservation Area setting in proximity to Listed Buildings.

8 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls, shall be erected within the curtilage of the dwellinghouse.

Reason: In the interests of visual amenity in this Conservation Area.

9 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no new windows or doors, other than those hereby approved, shall be inserted in to any part of the dwelling hereby approved.

Reason: In the interests of residential amenity and visual amenity in this Conservation Area.

10 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no solar panels/photovoltaic cells shall be added to the building hereby approved.

Reason: In the interests of residential amenity and visual amenity in this Conservation Area.

11 – Non Standard Condition

Prior to the dwelling hereby permitted being brought in to use, provision shall be made for the bin-store as indicated, and shall be maintained as such at all times.

Reason: In the interests of satisfactory bin-store provision.

12 - B3.3 (Light Pollution)

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: In the interests of residential and visual amenity in this Conservation Area.

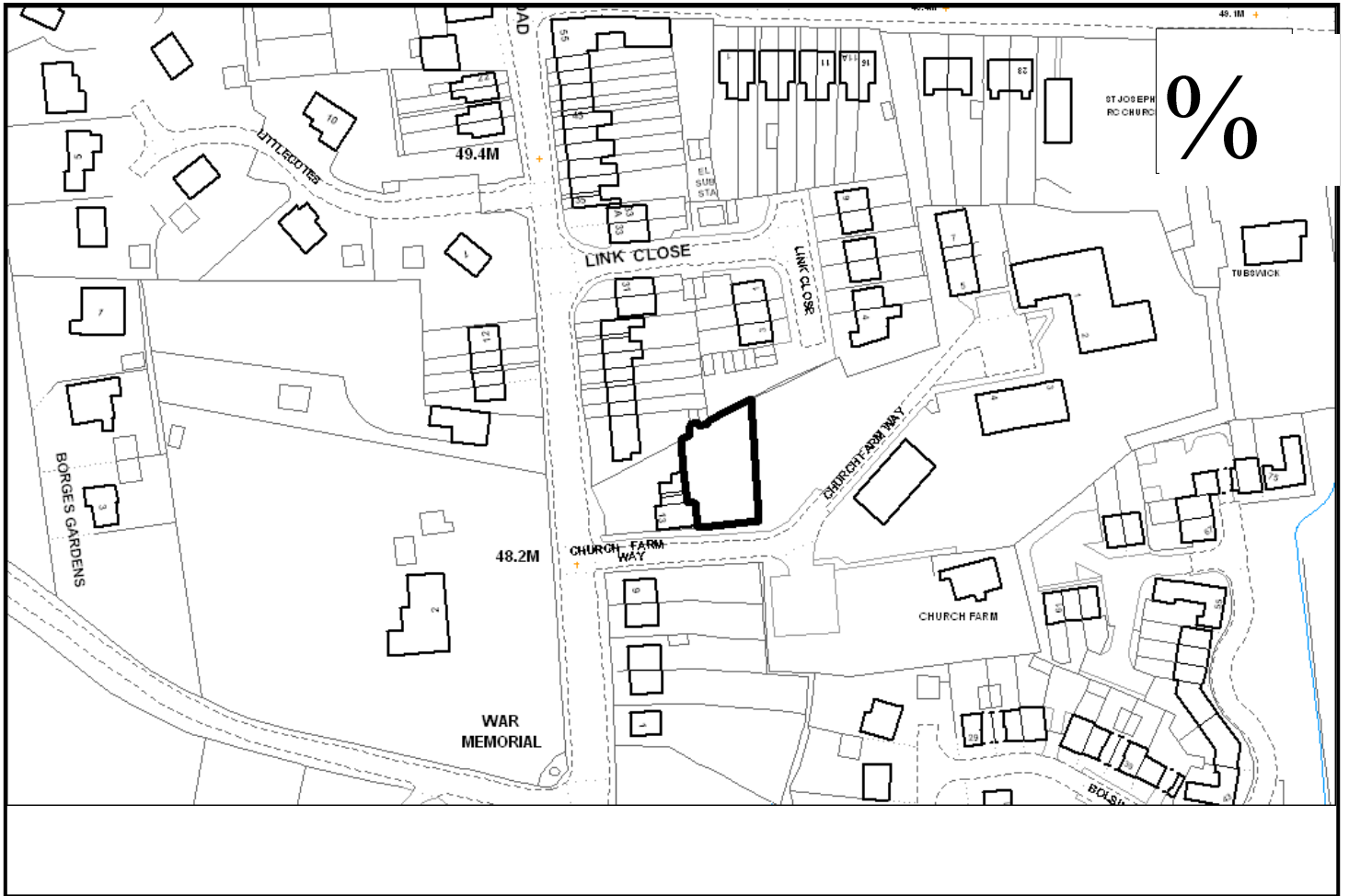
13 – Non Standard Condition

No light fittings shall be placed within the glass section of the roof in the dwelling hereby approved without the prior written permission of the Local Planning Authority.

Reason: In the interests of residential and visual amenity in this Conservation Area.

Informatives

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of works.



Application No: 091417

Location: 13 Nayland Road, Colchester, CO4 5EG

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.2 Case Officer: David Whybrow

EXPIRY DATE: 05/01/2010

OTHER

Site: 13 Nayland Road, Colchester, CO4 5EG

Application No: 091417

Date Received: 10 November 2009

Agent: Hurley Porte & Duell

Applicant: M Kangi

Development: Variation/removal of condition 2 of planning approval COI/92/1460

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This item is placed before Members in the light of representations made by Myland Parish Council and a neighbouring resident.

2.0 Site Description

2.1 This application concerns part of the Myland Pharmacy at 13 Nayland Road, Colchester and specifically 2 consulting rooms at first floor level operated by the applicant since 2003 as a dental surgery. The building lies to the east of Nayland Road and has car parking space for about 15 cars to the rear and within a frontage forecourt. The entire ground floor area is occupied by the pharmacy with the upper floor used as a dental clinic in accordance with a contract from the local Primary Care Trust.

3.0 Description of Proposal

3.1 The application seeks a variation of Condition 2 attached to approval ref: COL/92/1450 (for change of use of first floor offices to dental surgery). Condition 2 states:-

"The layout of the accommodation shall not be other than as shown on the approved drawing and at no time shall additional or extended consulting room facilities be created without the Council's prior permission. Additionally, staffing at the premises shall be restricted to one practitioner and two ancillary staff at any particular moment in time."

3.2 The reason for the condition was that the parking provision had been matched to the facilities provided with any intensification in use likely to result in a substandard parking provision and resultant on-street parking causing congestion and possible hazards.

3.3 In support of the application, the following information is submitted:-

"The building has been operating for over 10 years as a dentist practice with two consulting rooms and as far as the applicant was aware this had always been the case. The applicant received a letter dated 22 September 2009 from the planning investigations department at Colchester Borough Council stating that the planning permission granted was subject to a condition that the layout of the accommodation should not be extended or added to without the Council's permission. Thus, the applicant is now seeking to make formal the situation as to the existing layout of the two consulting rooms. There have been no issues as to parking at the surgery and indeed, the applicant has recently received planning approval for an extension to the dental surgery under planning approval number 090984. This approval includes parking to serve the existing building with its 2 consultancy/treatment rooms as well as extra car parking to accommodate another 2 consulting rooms. The approval confirms acceptance that there is adequate car parking for the additional consultancy room as well as the proposed extension without causing 'sub standard' parking provision likely to result in on-street parking which will cause congestion and possible highway hazard."

4.0 Land Use Allocation

4.1 Residential

5.0 Relevant Planning History

5.1 Planning permission for the change of use of the first floor offices within the existing building to a dental surgery was granted under reference COL/92/1460 on 1st March 1993.

5.2 F/COL/04/1522 – Erection of a two storey building comprising no more or less than six self-contained units. The permitted use for each unit to be B1 (offices) and D1 (Non-Residential Institution – individual medical or alternative therapy practitioner). Approved 18th April 2005.

5.3 F/COL/05/1824 – Alterations to existing pharmacy to provide additional ground floor area and rear extension to form consulting room. Approved 26th January 2006.

5.4 A previous application 090550 for the provision of a new disabled clinic was withdrawn on 3rd June 2009.

5.5 090984 – Proposed disabled dental clinic (resubmission of 09055) – Approved 21 September 2009.

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan
DC1 - Development Control considerations
T9 - Car parking (outside Central Colchester)

6.2 Core Strategy
TA1 - Accessibility and Changing Travel Behaviour
TA5 - Parking

7.0 Consultations

- 7.1 Environmental Control have no comments.
- 7.2 The Highway Authority do not wish to object.

8.0 Parish Council's Views

- 8.1 Myland Parish Council comment as follows:-

"The applicant is already in breach of this condition. Additionally, staffing at the premises shall be restricted to one practitioner and two ancillary staff at any particular moment in time. Reason: Parking provision has been matched to the facilities provided and number of staff employed. Any intensification of use will result in substandard parking provision likely to result in on-street parking which will cause congestion and possible highway hazard?. There are already two practitioners operating from these premises.

This address is visited regularly by Parish Councillors and the official car parking spaces are invariably full in addition to the rear (overspill) car park. On 4th May, as usual, the official spaces were full and there were 11 (eleven) cars parked in the area at the rear of the existing building. This site was also visited on 11th August when again the spaces at the front of the building were occupied and there were 13 (thirteen) cars parked at the rear. On 23rd November the official spaces were full and there were 11 (eleven) cars parked in the area at the rear.

'Myland Parish Council does not approve of retrospective planning applications, which in reality, this application is."

9.0 Representations

- 9.1 Representations have been received from a neighbouring resident on the following grounds:-
 1. Lifting this condition will result in overdevelopment of the site.
 2. Insufficient on site parking to support this, and existing, use of the site and approved planning permission for the site.
 3. It will result in on-street parking and danger to the public and road users.

The full text of this letter may be viewed on the Council's web-site.

10.0 Report

- 10.1 In the supplementary information provided by the agent, reference is made to approved application 090984. This proposed a new dental clinic to the rear of the existing pharmacy in the form of a 2 storey addition comprising staff room/stock room and store room at ground floor level and consultation/treatment rooms, recovery area and reception/waiting room above. It was approved by Committee on 17 September this year when the Committee Report considered parking issues at length. Those considerations are set out below:-

Parking Issues

The planning permission for the use of the first floor of this existing building granted in 1993 contained the following condition:-

“02 – The layout of the accommodation shall not be other than as shown on the approved drawing and at no time shall additional or extended consulting room facilities be created without the Council’s prior permission. Additionally, staffing at the premises shall be restricted to one practitioner and two ancillary staff at any particular moment in time.

Reason: Parking provision has been matched to the facilities provided and number of staff to be employed. Any intensification of use will result in substandard parking provision likely to result in on-street parking which will cause congestion and possible highway hazard”.

It is clear that this condition does not preclude any further applications relating to the provision of the facilities to be offered by the dental practice, it only requires the formal approval of the Council. In this context Members will appreciate that this current application must be considered upon its own merits.

In restricting the level of use of the practice, the Council would have had due regard to the parking standards as applicable at the time that the application was determined. This would have been one space for every practitioner, one space for every 2 members of staff present at the busiest time and 2 visitor car parking spaces for each consulting room, thereby generating a requirement for 4 parking spaces.

The current adopted car parking standards require 1 space per F/T staff & 2 spaces per consulting room. This is the standard used by the Applicant in arriving at the proposed on-site car parking provision of 14 spaces for the pharmacy and the enlarged dental clinic:-

	Nos of Staff	Consulting Room
Existing Dentist	3	2
Existing Pharmacy	2	0
Proposed Dentist	1	2
Car parking provision	6	8

The submitted drawing number KG4 03-B shows how this level of provision is to be accommodated within the overall site. The size of the individual parking bays complies with the minimum standards set out in the Essex Planning Officer Association Vehicle Parking Standards (i.e. 4.8m x 2.4m or 2.7m x 4.8m for disabled parking where direct access is provided to a footway at the side or rear).

These standards have been the subject of a recent review and public consultation period. However any proposed changes to the standards have not yet been adopted. Whilst members may have reservations as to the application of the currently adopted minimum standards, the application has to be determined in the context of these adopted standards.

The application drawings do not show the finished surface treatment of the car parking areas but it is recommended that these spaces should be permanently defined and marked out in order to ensure that the maximum car parking can be obtained rather than to permit indiscriminate parking thereby potentially reducing the available parking area.

The application drawing KG4 03-B shows the provision and retention of the right of way to the garage of No.15 Nayland Road.

The comments made in respect of the location of the proposed cycle parking stands are appreciated. There would appear to be scope for these to be located adjacent to the disabled parking, convenient to the new entrance to the dental clinic. This is conditioned accordingly.

Conclusion

The principle of the extension of this existing building has previously been accepted by the two permissions granted in 2005 and 2006. The proposed extension to the existing dental clinic in terms of its size and form can be accommodated on this site without causing any loss of amenity to the area in general or to the nearby dwellings.

Whilst the concerns of the Myland Parish Council and the occupier of No.15 Nayland Road are acknowledged and appreciated, on-site parking is shown as being provided in accordance with the current standards adopted by the Council.

- 10.2 090984 took account of the present dental practice and the accompanying drawings mirrored the present arrangement of rooms, including 2 consulting rooms, and envisaged the same number of staff (3). Based on this information it was concluded that satisfactory arrangements were made for off-street parking whilst site visits show that the car parking areas can be busy at times but there is no evidence of "spill out" onto the highway where hazards could occur.
- 10.3 The newly revised car parking standards, adopted by the County Council at about the time of this approval, and by Colchester Borough Council last month, now require a maximum of 1 space per full time staff plus 3 per consulting room for D1 uses. In this case this equates to a maximum requirement of 9 spaces and represents an additional requirement of 1 space per consulting room over that considered in the previous case.

11.0 Background Papers

11.1 ARC; Adopted Core Strategy; HA; HH; PTC; NLR

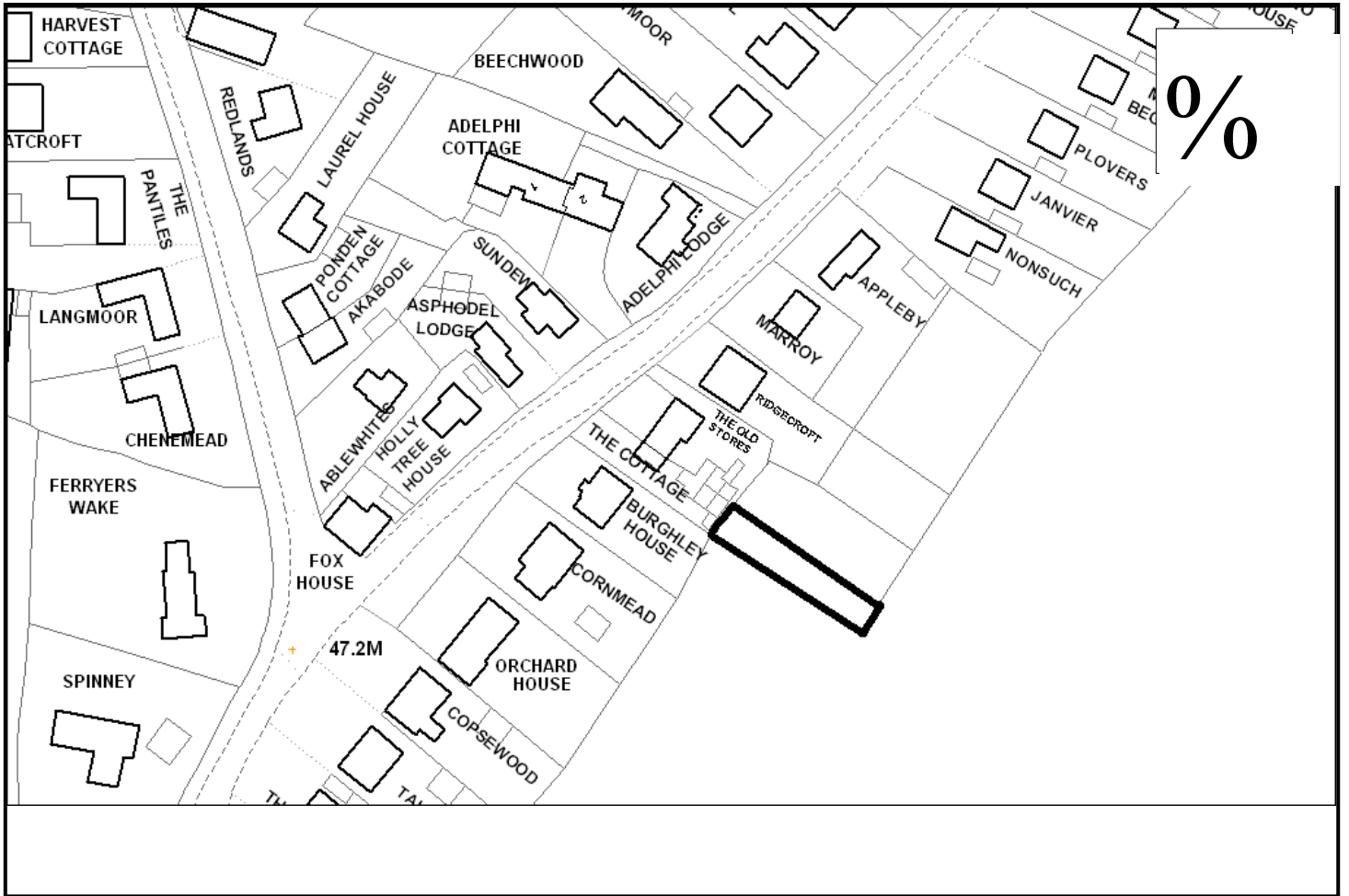
Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

This permission relates to the variation of Condition 02 attached to planning permission COL/92/1460 so as to allow the use of 2 consultation rooms laid out as illustrated on Drawing No. KG4/01A returned herewith. All remaining conditions imposed on that planning permission, dated 1 March 1993, shall remain in force unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of the permission and in order to safeguard a reasonable level of off-street parking.



Application No: 091441

Location: The Cottage, Moor Road, Langham, Colchester, CO4 5NR

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.3 Case Officer: Simon Osborn

EXPIRY DATE: 05/01/2010

OTHER

Site: The Cottage, Moor Road, Langham, Colchester, CO4 5NR

Application No: 091441

Date Received: 10 November 2009

Applicant: Mr & Mrs B Havord

Development: Change of use from agricultural land to garden extension.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The application site comprises a rectangular shaped parcel of land 35m deep and 7.5m wide which lies immediately to the rear of the applicant's authorised rear garden. The site is enclosed by a 3 foot high post and rail fence along its southeast and southwest boundaries with the adjoining field. Another low fence and a line of birch trees mark the northeast boundary of the property with The Old Stores.

2.0 Description of Proposal

2.1 The application proposes to change the use of this parcel of land from agricultural to garden land.

3.0 Land Use Allocation

3.1 The existing garden is within Langham Moor village envelope. The application site lies outside the village envelope and is shown in the Local Plan as white land.

4.0 Relevant Planning History

4.1 There have been no previous applications within the application site. An extension was approved to the existing house in 2004, reference F/COL/04/0753.

5.0 Principal Policies

5.1 Local Development Framework
Core Strategy:
ENV1 - Environment

5.2 Adopted Review Colchester Local Plan 2004 saved policies:
DC1- Development Control considerations
H12 – Extensions to Gardens in the Countryside

6.0 Consultations

6.1 Environmental Control has no comments on the proposal.

7.0 Parish Council's Views

7.1 These were unavailable at the time this report was drafted. Any comment will be presented at the meeting.

8.0 Representations

8.1 None received

Full text of all consultations and representations are available to view on the Council's web-site.

9.0 Report

Policy context

9.1 Policy ENV1 in the Council's adopted Core Strategy generally protects the countryside for its own sake, whilst recognising that some development either needs or is compatible with a rural location.

9.2 Policy H12 in the Local Plan is a saved policy and gives specific advice on the extension of gardens into the countryside. It states that a proposal for extension of a domestic garden into the open countryside will be permitted only if:

- (a) there is no material adverse impact on the surrounding countryside;
- (b) it would not mean the material loss of good quality agricultural land or seriously interfere with a neighbouring agricultural enterprise;
- (c) it would set a precedent for unacceptable extensions to gardens at one or more neighbouring properties.

9.3 This policy adds that applicants will be expected to relinquish their permitted development rights over the new area of garden, where this is permitted.

Planning considerations

9.4 The proposal will clearly have a domesticating impact upon the parcel of land itself; however, there is no loss of natural hedgerow or other such features. The extension of the garden would project no further than the length of gardens to the north and therefore would not be out on a limb in relation to neighbouring gardens.

9.5 The parcel of land is not readily visible from a public perspective. There is a gap in the hedgerow along Park Lane and a public footpath several hundred metres to the east, with views toward the site. These however, are some distance from the application site. Views of the application site from a public vantage are therefore limited and will be seen against the backdrop of other gardens. It is considered that the proposal will not therefore have a significant impact upon the surrounding countryside.

- 9.6 The agricultural quality of the land is not known; however, the proposal will not marginalise the remaining field by creating an awkward shaped parcel of land for farming purposes. In any case, it is a small parcel of land and will not have a material impact on agriculture.
- 9.7 If planning permission is granted, it would potentially set a precedent for six other properties along Moor Road to the southeast of the application site to extend their gardens in a similar manner. However, this is not considered to be a compelling reason in itself to resist this application. Each application has to be considered on its own merits, but provided that any further proposal came forward in a logical manner and did not result in isolated limbs of garden projecting into the field, further applications for change of use would not necessarily be undesirable within this specific location.

Other material considerations

- 9.8 The comments of Langham Parish Council were not available at the time of drafting this report; however, it is understood that they have legitimate concerns relating to proposals for the change of use of agricultural land. It is worth noting that an application for a garden extension at Jevock, Chapel Lane, Langham nearby, was recently dismissed on appeal (reference 081813). Officers have compared the application site with the one at Jevock. The proposed site adjacent to Jevock contrasts markedly with the current application in that it was for a much large parcel of land at the side of the existing dwelling. The parcel of land was readily visible from the road and would have extended the suburbanising influence of this ribbon of development further along Chapel Lane.

10.0 Conclusion

- 10.1 The proposed garden land is not readily visible from a public perspective and will project no further into the field than neighbouring gardens to the north. It is considered that the proposal will not have a material impact upon the amenity of the countryside.
- 10.2 Where garden extensions into the countryside are considered acceptable in principle, it is expected that applicants will relinquish their permitted development rights over the new area of garden. In this instance, it is considered appropriate to remove permitted development rights relating to outbuildings and to any fence boundary treatment above 1m in height.
- 10.3 The application is recommended for approval subject to the above.

11.0 Background Papers

- 11.1 ARC; Core Strategy; HH; PTC

Recommendation - Conditional Approval

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 – Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes E and F of Part 1 of Schedule 2 of the Order (i.e. any outbuilding, garage, enclosure or hardstanding) shall take place on the garden land hereby permitted without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of the adjacent countryside and to protect the amenity of adjoining residents by controlling new outbuildings and associated development.

3 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure exceeding 1 metre in height shall be erected, constructed or placed within the garden land hereby permitted without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of the adjacent countryside.



Application No: 091442

Location: 35 De Vere Road, Colchester, CO3 4EA

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.4 Case Officer: John Davies

EXPIRY DATE: 05/01/2010

OTHER

Site: 35 De Vere Road, Colchester, CO3 4EA

Application No: 091442

Date Received: 10 November 2009

Applicant: Mrs Karen Syrett

Development: Two storey rear extension.

Ward: Prettygate

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 The application site comprises a detached two storey house on the south side of De Vere Road not far from its junction with The Commons.
- 1.2 This householder application is for a two storey rear extension and presented to Planning Committee as the applicant is an employee of the Council.

2.0 Description of Proposal

- 2.1 The proposal is for the erection of a two storey rear extension, which will provide a kitchen diner on the ground floor and a bedroom and ensuite on the first floor. The extension would project 3.95m from the existing back wall and would be 6.50m wide. The roof would be hipped and form a double piled extension to the main building.

3.0 Land Use Allocation

- 3.1 Residential

4.0 Relevant Planning History

- 4.1 None

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan-March 2004
DC1- Development Control considerations
UEA 12-13- Residential Extensions
- 5.2 Core Strategy
UR2 - Built Design and Character

6.0 Consultations

6.1 None

7.0 Representations

7.1 None

8.0 Report

8.1 The main issues in this application are design and impacts on the living conditions of neighbours. These are dealt with as follows.

Design

8.2 The proposed extension represents a sizeable increase in the bulk and floorspace of the building. However, this is a building of fairly modest size, as existing, with three bedrooms and a current plan depth of only 4.2 metres for the main range with a two storey front extension. The two storey rear extension would provide additional plan depth and the extension is set in from the existing west and east sides of the house by 1.75m and 3.70 m respectively.

8.3 The alignment of the extension to the existing building creates a valley link and a double piled roof form overall. This is an unusual building form, which creates a poor relationship between the extension and the host building. However, the extension is to the rear of the building and set in from the rear corners of the building and therefore its impact on the street scene would be very limited. The extension is therefore considered acceptable in design terms.

Impact on neighbour amenity

8.4 Consideration has been given to the impact of the proposed extension on the amenity of adjoining neighbours on either side of the house. No. 37 is a chalet bungalow with a single storey, lean-to rear addition. No. 33 is a two storey house which has already been extended up to two storeys close to the boundary and extends back as far as the proposed extension. There is sufficient distance from the proposed extension to the nearest corners of the adjoining dwellings such that the standard 45 degree test is satisfied. This indicates that the extension would not have an overbearing effect on the amenity of neighbours. There are also no windows proposed in the flank walls apart from a window at first floor level on the west elevation serving a wc. This is shown in any case on the plans as having obscure glazing. No responses have been received from notifications to neighbours.

8.5 It is not therefore considered that the proposal would have an adverse impact on neighbours based on our normal standards.

8.6 In conclusion it is recommended that the proposals are satisfactory in design and amenity and are therefore recommended for approval.

9.0 Background Papers

9.1 ARC; Core Strategy

Recommendation - Conditional Approval

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - C3.2 Materials as Stated in Application

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development [harmonises with/does not detract from] the appearance of the existing building and the character of the area.

3 - B4.5 No Additional Windows in Walls/Roof Slope

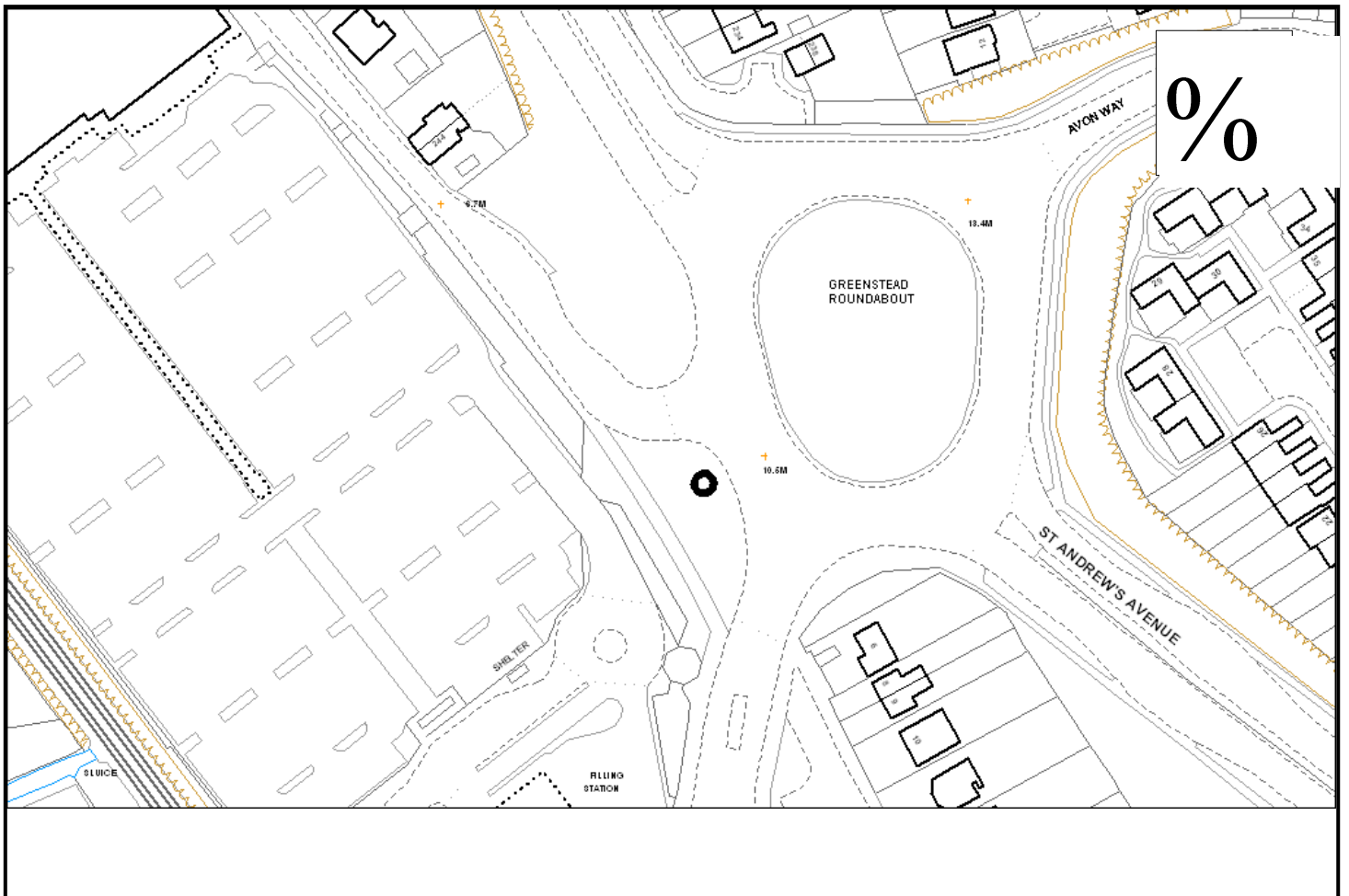
No new window or other openings shall be inserted above ground floor level in the south west and north east walls and roof slopes of the extension without the prior approval in writing of the Local Planning Authority.

Reason: In order to safeguard the privacy of adjoining occupiers.

4 – Non Standard Condition

The window to be provided at first floor level in the south-west elevation of the extension hereby approved shall be glazed in obscure glass with an obscuration level equivalent to Scale 4 or 5 of the Pilkington Texture Glass Scale of Obscuration and shall be retained as such at times thereafter.

Reason: In order to safeguard the privacy of adjoining occupiers.



Application No: 091513

Location: Mast on, Greenstead Road, Colchester, CO4 3UJ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.5 Case Officer: Simon Osborn

EXPIRY DATE: 30/12/2009

OTHER

Site: Greenstead Road, Colchester, CO4 3UJ

Application No: 091513

Date Received: 18 November 2009

Agent: Martin Hatton

Applicant: Mr M Topey

Development: Slim line mono pole streetworks structure and associated equipment cabinets accommodating 02 equipment and Vodafone

Ward: St Andrews

Summary of Recommendation: Prior Approval required and granted

1.0 Planning Report Introduction

1.1 This is an application for a determination as to whether the prior approval of the Authority will be required to the siting and appearance of the development. The Local Planning Authority has 56 days to consider the application. If the Local Planning Authority does not make a decision within that period, the development is deemed to be approved and can be implemented. The Local Planning Authority cannot apply conditions to these prior approval applications.

2.0 Site Description

2.1 The site for the proposed development is a crescent-shaped parcel of highway verge on the southwest margins of the Greenstead roundabout. The proposed mast and equipment cabinets will be approximately 2m from the footpath on the south side of Greenstead Road, with low structured planting to the north. Around the margins of this crescent-shaped parcel of land, lie four galvanised steel lamp columns, each approximately 10m in height, an existing 12.5m monopole, and 2 large highway street signs. Elsewhere within the vicinity of the Greenstead roundabout complex are a further 20 lamp columns of between 10 and 12m in height. The land within the vicinity of the roundabout generally falls away toward the south in the direction of the river.

2.2 This crescent-shaped land parcel of highway verge is adjacent to the Hythe Tesco site, with predominantly residential areas around the other margins of the roundabout system. The closest residential property is approximately 40m away, from where the proposed mast would be visible seen at an oblique angle from the front facing windows. The nearest school is approximately 400m away.

3.0 Description of Proposal

- 3.1 The application includes one monopole and 2 equipment cabinets. The monopole will be 15m in height with a grey galvanised steel finish similar to that of other street lamp columns. The column will have a diameter of 324mm for most of its height, widening to a diameter of 480mm at the top to shroud the antennae.
- 3.2 The associated apparatus includes two cabinets as the proposed mast is intended to serve two operators: O2 and Vodafone.
- 3.3 The cabinet for O2 will be 1898mm wide, 798mm deep and 1650mm high. The cabinet for Vodafone will be 1580mm wide, 380mm deep and 1350mm high.
- 3.4 An area of grasscrete associated with the existing monopole is to be extended within the highway verge to provide access for maintenance vehicles.
- 3.5 The zone of greatest intensity is within a circular band running approximately 70m to 200m around the mast. An ICNRP certificate of conformity has been submitted.

4.0 Land Use Allocation

- 4.1 The application site is on white land, adjacent to the Hythe Tesco site to the west and predominantly residential areas in other directions.

5.0 Relevant Planning History

- 5.1 PA/COL/04/1766 – prior approval granted in 2004 to Hutchinson 3G (UK) Ltd for a radio base station comprising a 12.5m high ultra slimline telecommunications tower enclosing 3 antennae, one 200mm diameter dish antenna, radio equipment housing and ancillary development. The mast is positioned approximately 25m from and to the northwest of the current proposal, also within the crescent-shaped highway verge to the Greenstead roundabout. This application was approved by the Planning Committee.
- 5.2 090314 – prior approval granted on 1/4/09 to Telefonica O2 Ltd for a slim 15m high galvanised steel monopole with associated equipment cabin. This was proposed in a similar position to the current proposal, but within 0.5m of the footpath rather than 2m from the footpath. This application was approved under delegated powers, as no objections were received.

6.0 Principal Policies

- 6.1 Local Development Framework
Core Strategy:
No relevant policies
- 6.2 Adopted Review Colchester Local Plan saved policies:
DC1– Development Control Considerations
UT4 – Telecommunications Development

6.3 Planning Policy Statement 1
Planning Policy Guidance 8

7.0 Consultations

7.1 Any comments received from the Highway Authority will be reported to Committee.

8.0 Representations

8.1 Notification letters were sent to over 160 householders and to businesses within a radius of approximately 250m of the proposal. Three site notices were posted on existing street furniture within the vicinity of the site from 27th November 2009. No schools were notified as none lie within 250m of the proposal.

8.2 The consultation expiry date for the neighbour notification letters is 14th December 2009, although the final expiry date in association with the newspaper advertisement is not until 1st January 2010.

8.3 At the time of drafting this report the only comment received was that the equipment had already been installed.

(Officer Comment: This may refer to the existing 12.5m high monopole which has been erected in accordance with the prior approval in 2004, or it may refer to the equipment cabinet which has been erected for O2 in accordance with the prior approval given earlier this year. The proposed 15m high monopole has not been erected.)

8.4 Full text of all consultations and representations are available to view on the Council's web-site.

9.0 Report

Policy context

9.1 PPG8 states that telecommunications are an essential and beneficial element in the life of the local community and in the national economy. Fast, reliable and cost-effective communications can attract business to an area and help firms remain competitive, thus contributing to the achievement of other policy goals, including increased employment opportunities.

9.2 The aim of telecommunications policy is therefore to ensure that people have more choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available.

9.3 The guidance reiterates the Government's commitment to the protection of the environment, especially areas designated for their sensitive nature, but advises that local authorities should respond positively to proposals especially where location is restrained by technical considerations. It is pointed out that wider environmental benefits may flow from telecommunications installations, for example the application of communications technology reduces the need to travel, and hence reduces vehicle emissions of carbon dioxide and other pollutants.

- 9.4 Saved Local Plan Policy DC1 states that development proposals should be of a high standard of design and not have a detrimental impact on the character on an area. Saved Policy UT4 states that telecommunications development will be permitted provided that its impact on the surrounding environment and amenities is minimised through careful siting and design, is harmonised with the character of the area and that regard will be had to the technical and operational constraints when considering proposals.

Siting and Appearance

- 9.5 So far as appearance is concerned the Council can look at the visual impact of the proposal in terms of the height, shape and colour etc. of the equipment and the effect it has on the appearance of an area. Factors concerning siting may involve:
- the height of the site in relation to surrounding land.
 - the existence of topographical features and natural vegetation.
 - the effect on the skyline or horizon.
 - the site when observed from any side.
 - the site in relation to areas designated for their scenic or conservation value.
 - the site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character.
 - the site in relation to residential property, and
 - any other relevant considerations.
- 9.6 In this instance, the proposal is located within an area that is visually dominated by the highway and its associated street furniture. There are already in excess of twenty lamp columns, each between 10 and 12 metres in height, within the vicinity of the Greenstead roundabout. Whilst the proposed mast will be 3 to 5m higher than the surrounding lamp columns, it will be of the same generalised appearance with a grey galvanised steel finish. It is considered that the proposed mast will not materially affect the number of these columns nor materially affect the character and appearance of the area. The two equipment cabinets will increase the number of similar structures within the immediate vicinity of the site, but because of their relatively small mass it is held that they will not materially alter the character of the area. Whilst a number of residential properties will be able to see the proposed pole, the nearest property is 40m away and only has an oblique view of the proposal from the front facing windows. Overall, the proposed siting and design are considered acceptable.

Alternative sites

- 9.7 Failure to have thoroughly explored all other options could be a reason for refusal if the Council think that there could be preferable alternatives in the area of search.
- 9.8 Prior to the submission of the application approved earlier this year (under delegated powers as no objections were received), O2 considered an alternative site in Hawthorn Avenue. However, this did not give as good coverage as the chosen option and in addition the proposed site was considered to be a better location from a planning perspective. No other viable options were found within the desired area of search.

- 9.9 The current application proposes to share the use of the mast between two operators: O2 and Vodafone. This requires the proposed mast position to be moved slightly and will increase the number of equipment cabinets associated with it from one to two. Proposed mast sharing is generally welcomed where it does not result in a material difference to the visual impact of the proposal, and this is certainly the case in this instance. As previously discussed in this report, the visual domination of the highway and its associated structures, within the vicinity of this site, mean this is a visually acceptable location for the proposal.

Health Risks

- 9.10 Paragraphs 29, 30 and 31 of Planning Policy Guidance 8 (PPG8) relate to health considerations.

'29. Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.

30. However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Governments responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

31. The Government's acceptance of the precautionary approach recommended by the Stewart Groups report 'mobile phones and health' is limited to the specific recommendations in the Group's report and the Government's response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Government's view, local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.'

- 9.11 The Minister for Planning, in a letter to council leaders in June 2000, indicated the approach that should be taken in handling telecommunications applications. This is that if a proposed development meets the ICNIRP guidelines (as recommended by the IEGMP on a precautionary basis), it should not be necessary to consider the health effects further. It is not for the local planning authority to seek to replicate through the planning system controls under the health and safety regime. Enforcement of health and safety legislation in this area is a matter for the Health and Safety Executive (HSE) and not the local planning authority.

- 9.12 The applicant has submitted a certificate of compliance with the ICNIRP guidelines; it should therefore not be necessary to consider the health effects further.

10.0 Conclusion

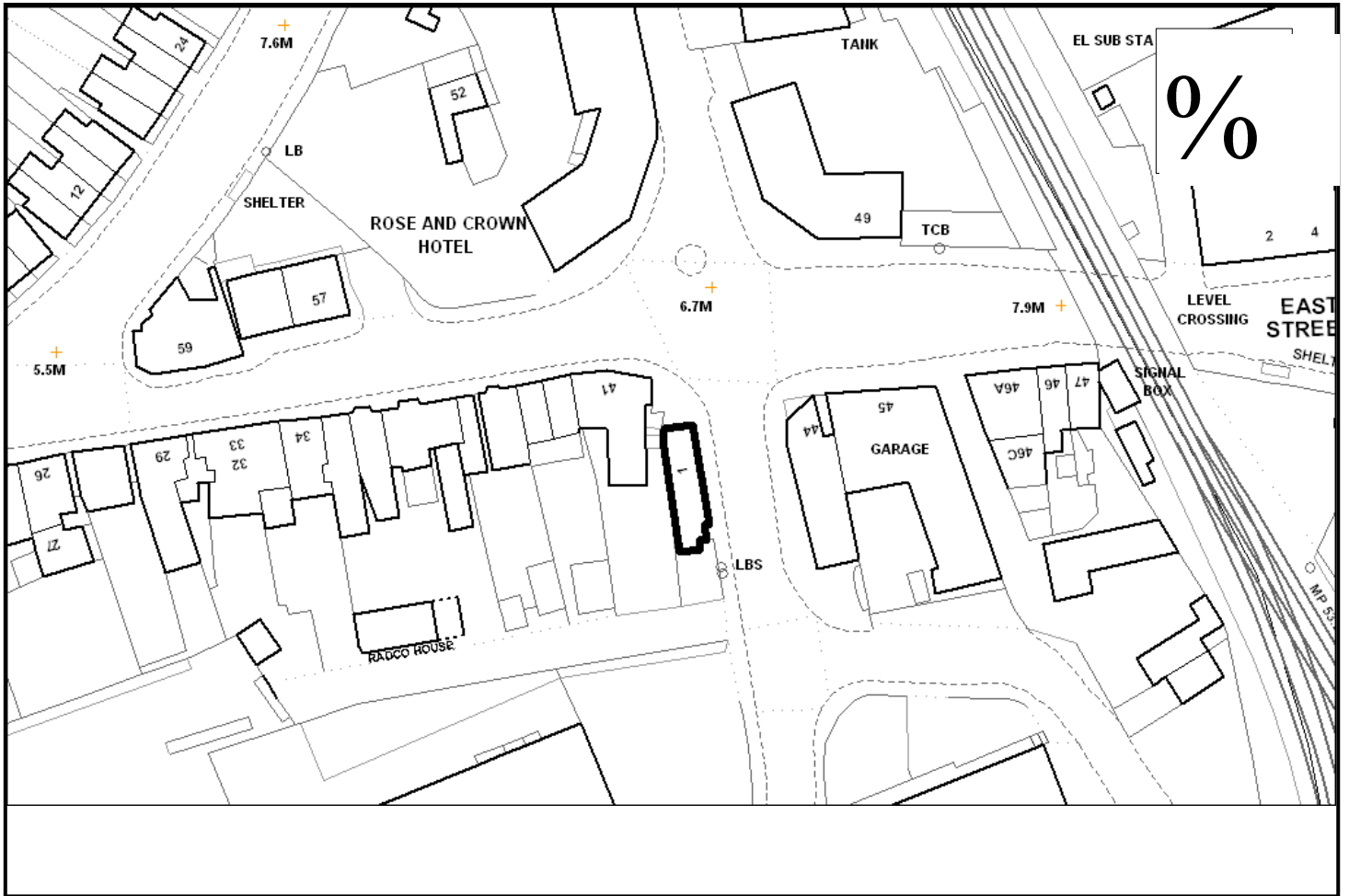
- 10.1 In summary, the siting and appearance of the proposed development are considered acceptable within the context of the locality, as it is visually dominated by the Greenstead roundabout and its associated highway structures. This proposal will allow two telecommunication operators to utilise a site which already has had prior approval granted for a mast for one operator. It is recognised that telecommunication mast proposals can give rise to concerns on health grounds; however, when balanced against the merits of this proposal, government guidance and planning policy, it is your officers opinion in this case that this would not carry sufficient weight to warrant refusal of the application.

11.0 Background Papers

- 11.1 ARC; Core Strategy; HA; NLR

Recommendation

1. Authority is delegated to the Head of Environmental and Protective Services to issue the Decision Notice in accordance with Recommendation 2 below and following the expiry of the newspaper advertisement consultation period of 1st January 2010.
2. The applicant be informed that prior approval is required, that the details submitted are acceptable and that prior approval is granted for the siting and appearance of the development.



Application No: 090817

Location: 1 Moorside, Colchester, CO1 2TJ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.6 Case Officer: Andrew Huntley

OTHER

Site: 1 Moorside, Colchester, CO1 2TJ

Application No: 090817

Date Received: 22 June 2009

Applicant: Mr H Ahmed

Development: Change of use from Betting Shop (Class A2) to Indian takeaway (Class A5) (Resubmission of 081777)

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The site is located on the western side of Moorside, immediately next to the junction with East Street. The area is mixed use in nature with residential and commercial premises in the vicinity. The application property was previously a betting office at ground floor and has a commercial office on first floor.

2.0 Description of Proposal

2.1 Change of use from Betting Shop within Class A2 to Indian Takeaway (Class A5).

3.0 Land Use Allocation

3.1 Mixed use Area B
Conservation Area

4.0 Relevant Planning History

4.1 C/COL/06/0920 – Change of use from Class A1 (retail) to Class A2 (Professional and Financial Services) – Approved 15/08/06.

5.0 Principal Policies

5.1 Adopted Review Borough Local Plan
DC1 - Development Control considerations
UEA2 – Building within Conservation Areas
UEA13 – Development, including extensions, adjoining existing or proposed residential property
P1 – Pollution (General)
TCS6 – Mixed Use Areas B

- 5.2 Planning Policy Statement 1
Planning Policy Statement 6
Planning Policy Guidance 15

6.0 Consultations

- 6.1 ECC Highways: No comments
- 6.2 Environmental Control: No objections

7.0 Representations

- 7.1 Seven letters of objection have been received. The objections relate to traffic and parking problems, noise, smell, anti-social behaviour, need and litter.

8.0 Report

Introduction

- 8.1 This application has come forward to Committee due to a number of objections being received. The main considerations within this application are:

- Policy
- Impact on the character and amenity of the area
- Other material considerations

Policy

- 8.2 Core Strategy Policy CE2 promotes a mix of development types (which includes A5 uses) in accordance with Table CE1b and in appropriate locations in accordance with CE2a and Table CE1a. The application site is within easy walking distance of the town centre and would thus be considered as a town centre fringe location. The application site is also within Mixed Use Area B in the Adopted Colchester Borough Local Plan 2004. The text to the Local Plan recognises that there is a range of uses appropriate to mixed use areas.
- 8.3 The supporting text to Local Plan Policy TCS6 states that this is the province of specialist shops, small scale leisure uses, professional offices and pockets of residential units, both houses and flats over commercial premises. The policy is aimed at preserving a mix of uses including shops, offices, residential and leisure uses but also protecting residential amenity where appropriate and ensuring development proposals do not harm the character of the area.
- 8.4 Policy TCS6, which is a Saved Policy, gives guidance for development proposals within Mixed Use Area B. Policy TCS6 does not specifically refer to takeaway uses, but nor does it preclude these uses from being granted permission. This is subject to the amenity of existing residential properties not being prejudiced and the development being compatible with the character of the surrounding area. Policies DC1, UEA2 and P1 are also applicable to this proposal.

- 8.5 The spirit of the above policies aims to retain a mix of appropriate uses within the defined area. The current use of the ground floor is that of a betting office with a further commercial office above. The proposed change of use would add to this mix of uses in the area and therefore does comply with the above mentioned policies and Planning Policy Statement 6.

Character & Amenity

- 8.6 Additional information has been submitted in regard to the extraction system to be used. Environmental Control has stated that they have no objections to this proposal subject to ensuring that the extraction system is implemented prior to first use. They have also requested a site boundary noise level condition to ensure that the amenities of neighbours are not affected. Therefore, no objections are raised in terms of residential amenity.
- 8.7 The application is for a change of use and any material alterations to the front of the property would require planning permission in its own right. The extraction ducting is now shown to be enclosed in a new chimney stack. Although the drawings are a little sketchy, they do show that a chimney stack could be accommodated and be of a design which is acceptable for the host property and the Conservation Area. A condition can be attached ensuring that an acceptably designed stack is in place before the first use of the takeaway.
- 8.8 Overall, it is considered that the proposed change of use would not adversely affect the character of the Conservation Area or neighbouring amenity subject to suitable conditions.

Other Considerations

- 8.9 The Highway Authority does not wish to object to this application. While a number of the objections related to traffic problems and lack of parking, without a reasoned objection from the Highway Authority, it would be difficult and possibly unreasonable to refuse the application on such grounds. Therefore, no objections are raised on highway grounds.
- 8.10 Seven letters of objection have been received by nearby residents and businesses. The objections relate to noise, smells, litter, anti-social behaviour, traffic and parking, need and opening hours. Most of these issues have already been considered earlier in the report. There is no evidence that this change of use to a restaurant would result in an increase in litter in the area and would not warrant the refusal of planning permission. In regard, to parking, the site is located in a sustainable location close to the town centre. Due to this sustainable location, lack of parking provision within the area would not warrant the refusal of planning permission. A refusal based on parking could be seen as unreasonable. It is not the role of the local planning authority to assess need in relation to restaurant use. Therefore, no weight is attached to this objection. In regard to opening hours, the application states that the premises would be open from 12.00 p.m. till 00.00 a.m. Environmental Control has raised no objections to the opening times and they do reflect other opening times within the area. Therefore, it is considered that the proposed opening times are acceptable and would not warrant the refusal of planning permission.

8.11 Having considered all the matters raised in the objections, they do not warrant the refusal of planning permission in this instance.

9.0 Conclusion

9.1 The proposed change of use would preserve the mix of uses within this area of town and would not harm residential amenity or the character of the Conservation Area. In this instance, the objections received do not outweigh development plan policy and should be approved.

10.0 Background Papers

10.1 ARC; Core Strategy; HA; HH; NLR

Recommendation - Conditional Approval

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - Non-Standard Condition

No customers shall enter the premises before 12:00pm any day and no customers shall remain on the premises after 00:00am. No food shall be provided to customers off the premises after these times.

Reason: To safeguard the amenities of nearby residential properties.

3 - Non-Standard Condition

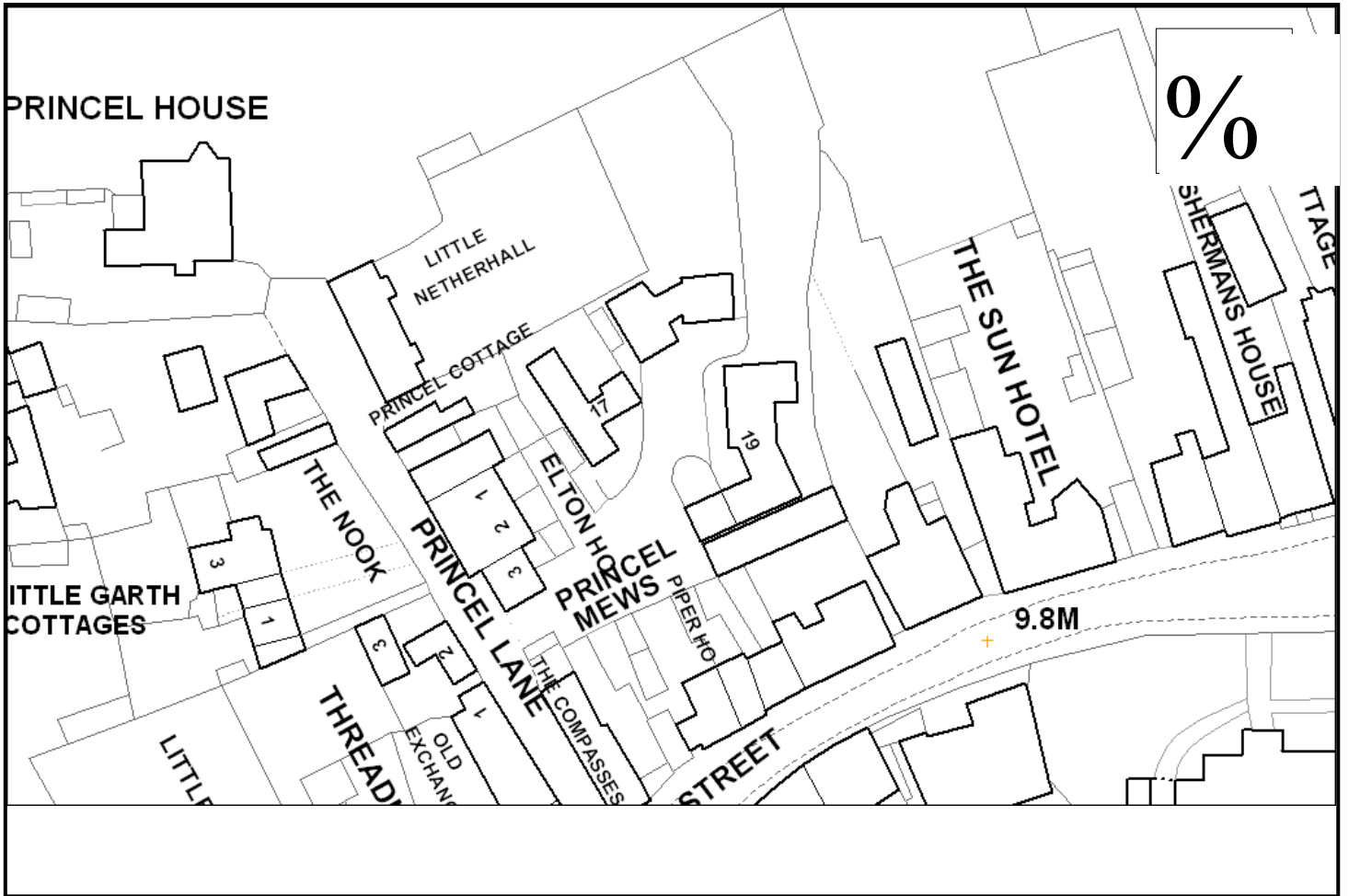
Additional drawings that show details of proposed new chimney stack to be used, at a scale between 1:20 and 1:50 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The development shall thereafter be carried out in accordance with such details.

Reason: To protect the character of the building and the contribution it makes to the appearance and character of the Conservation Area.

4 - Non-Standard Condition

Prior to the commencement of the development, full details of all new brickwork, including the bond, mortar mix and joint profile shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: The application has insufficient detail for approval to be given to the external materials; and to ensure that the development has a satisfactory appearance in order to protect and enhance the visual amenity of the Conservation Area.



Application No: 091261

Location: Little Netherhall, Princel Lane, Dedham, Colchester, CO7 6HE

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.7 Case Officer: Nick McKeever

OTHER

Site: Little Netherhall, Princel Lane, Dedham, Colchester, CO7 6HE

Application No: 091261

Date Received: 28 September 2009

Agent: Wincer Kievenaar Partnership

Applicant: A Cotterell

Development: Proposed single storey rear extension to form kitchen/breakfast area, family room and utility area. Erection of single bay cartlodge.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 This property is Grade 2 listed building located towards the end of Princel Lane, Dedham. There are other dwellings located to the south, west and to the east; to the north is area of meadow land bounded by the River Stour.
- 1.2 The property is timber framed, externally rendered with a clay plain tiled roof, mansard in form on the front elevation. It sits within a very generous sized, landscaped garden. This garden abuts Princel Cottage and Nos. 17 & 18 Princel Mews, Princel House, as well as the meadow to the north. The northern, southern and eastern boundaries are screened by established mature trees and planting.
- 1.3 The application proposes a single storey rear extension, located adjacent to the north-eastern boundary, following the line of the existing brick boundary wall until it meets with the existing brick built out-building. The extension has a floor area of 67 sq.m and provides a new kitchen/breakfast room, family room, W.C. and refurbishment of the outbuilding to form a utility/store area. This extension is linked to the existing listed building by a small lobby. This is designed to act as a visual and physical break between the two structures.
- 1.4 The application is supported by a Design & Access Statement. This Statement provides the following description of the extension:-

The proposed accommodation is to be composed of three visual elements. The single storey double pitched roof central element, accommodating the kitchen & family room area, forms the central focus of the extension. The minimal pitch garden lobby forms the visual 'gasket' between the existing house & extension & the simply detailed connection of the family room to the existing outbuilding/utility forms a 'low key' connection between new & old.

Simple, minimalist detailing, proportion, rhythm & honest expression of materials defines the modest proposals, creating a contemporary but complementary composition to the vernacular tradition of the existing house. Facing brickwork, expressed timber structure & natural slate tiles in combination with extensive glazing & timber boarding form a fusion of traditional building materials with a contemporary palette & detailing.

- 1.5 To the rear of the dwelling a new courtyard area is proposed with a new single bay cartlodge located to the east of Princel Cottage and adjacent to the existing vehicular access.
- 1.6 In addition to this aforementioned Design and Access Statement, the application includes a Tree Survey & Arboricultural Implication Assessment and Method Statement. Both the Design and Access Statement and the Arboricultural Report can be viewed in full on the Council website.

2.0 Land Use Allocation

- 2.1 Dedham Village Envelope
Countryside Conservation Area
Conservation Area
Area of Outstanding Natural Beauty

3.0 Relevant Planning History

- 3.1 080183 - Proposed boundary treatment between Little Netherhall and Princel Cottage - Conditional Approval 10 March 2008
- 3.2 080187 - Proposed boundary treatment between Little Netherhall and Princel Cottage - Conditional Approval 10 March 2008
- 3.3 090624 - Proposed car port to rear garden - Condition Approval 2 July 2009
- 3.4 090627 - Proposed car port to rear garden - Conditional approval 25 June 2009
- 3.5 96/0642 - Alterations - Conditional Approval 2 July 1996
- 3.6 97/0545 - Single storey rear extensions, first floor shower room extension - Conditional Approval 12 June 1997
- 3.7 97/0546 - Single storey rear extensions, first floor shower room extension - Conditional Approval 12 June 1996
- 3.8 F/COL/05/1880 - Proposed car port to rear garden – Conditional Approval 24 May 2006
- 3.9 LEX/940/72 - New bathroom and alterations to kitchen – Conditional Approval 27 December 1972

4.0 Principal Policies

- 4.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Design - UEA11& UEA13
Conservation Areas - UEA 1 & 2
Listed Buildings - UEA5
Design -UEA11
Impact upon adjoining dwellings - UEA13
Landscape Features - CO4
Dedham Vale AONB – CO2

5.0 Consultations

- 5.1 The Arboricultural Officer is in agreement to the landscape aspect of the application subject to conditions.
- 5.2 The Design and Heritage Unit comments that the proposal to form a new door opening in the rear wall of the listed building, by extending an existing window opening, should be reconsidered.

6.0 Parish Council's Views

- 6.1 Dedham Parish Council comment as follows:-

"The Parish Council Planning Sub - committee have considered this application and support the proposal in principle, and there have been no representations from the neighbours to date. However there are four areas of concern in the design that the Sub-committee feel need to be addressed:-

The flat- roofed Garden lobby detail immediately gives the impression of a 'bung it on' extension rather than a considered extension to the listed building. We are aware of the constraints of the Dormer window above but the proposal needs to be re-engineered, to suit the setting. There appears to be some kind of heating unit in the family room against the rear wall. No detail of its exhaust system is indicated on the drawings and therefore further clarification needs to be (given we do not want an aluminium flue projecting above the wall and ridge levels).

The high level glazed roof lantern running the length of the ridge over the family room kitchen is a cause of concern with regard to reflection of sunlight back towards the bungalows in Princel Mews, the rear of the houses on the north side of the High Street and any other property that overlooks this site to the East and South. Can the glazing be etched to be non reflective?

Finally we would require a condition to be attached to any approval that any previous applications for a cartlodge on this site become void should this application be approved."

7.0 Representations

- 7.1 The occupiers of Great House, Dedham consider that this is a modest and attractive listed building which makes a significant contribution to Princes Lane street scene. The extension runs contrary to The Dedham Village Design Statement, particularly in terms of respecting local vernacular and scale of neighbouring properties. The extension is disproportionate in size and modern in design. There is no precedent in vernacular for the continuous roof light, glazed sliding screens and for the steel-bolted connections on the supporting posts. Use could be made of more conventional fenestration and conservation rooflights. All this is relevant as the site can be seen from the viewing platform on the church tower.
- 7.2 The occupier of 'Riverside', Princes Mews, objects to the cartlodge incorporating the wall that divides the two properties and within 10 feet of the house. This is a concern also expressed in an e mail submitted on behalf of the occupier of 1 Elton House, Princes Lane, in that the courtyard of this property borders the rear of the cartlodge.

8.0 Report

- 8.1 This proposal has been submitted following previous discussions with the Agent, Wincer Kievenar and your Officers, including a member of the Design and Heritage Team.
- 8.2 It has long been accepted that any additions to listed buildings should respect the integrity and character of the original building. This can be achieved using design and external materials, which imitate the host building or by using a design concept that is different from the original building and can be appreciated as an incremental form.
- 8.3 This second option is the approach adopted by the Applicant. It respects the integrity of the host building in that it is linked to it by a small lobby area. The design is not a pastiche of the original building but adopts a more modernistic approach, yet at the same time utilises and incorporates vernacular materials.
- 8.4 Whilst the comments made in respect of the Dedham Village Design Statement are acknowledged and fully supported, this should not in itself stifle or prevent buildings that are well designed and detailed. In this context it is noted that the Design & Heritage Officer does not raise any objections to the proposed extension.
- 8.5 The Applicant has, however, taken on-board the comments made by the Dedham Parish Council as well as the other representations received. Amendments have been made accordingly. These amendments include a reduction in the overall area of rooflights and the reduction of reflective glass. A pitched lead roof, with expressed lead roll jointing, has replaced the flat roof link. The veranda now has a lead roll roof with expressed Oak rafters and support posts. The external flues projecting above the roof of the extension are now shown as lead grey, circular section flues to match the slate roof and positioned away from the boundary.
- 8.6 The amended drawings also show that the cartlodge is to be independent of the existing boundary wall and will have no effect upon it. This cartlodge is to replace one approved under the permission F/COL/05/1880.

8.7 This single storey extension will not have any detrimental impact upon the neighbouring dwellings in terms of being overbearing or loss of light/sunlight to any habitable rooms. In this respect it complies with the relevant Local Plan policy UEA13.

9.0 Conclusion

9.1 This single storey addition to the listed building achieves a good standard in terms of its design and detailing. Whilst incorporating modern architectural features it nonetheless incorporates vernacular materials. It respects the integrity and setting of the existing Grade 2 listed building and does not have any significant impact upon residential amenity. The proposed development is supported on having due regard to all of the aforementioned considerations.

10.0 Background Papers

10.1 ARC; Core Strategy; AO; PTC; NLR

Recommendation - Conditional Approval

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - C3.3 Samples to be Submitted

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure the use of appropriate materials having regard to the Listed Building/s [on/adjoning] this site.

3 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

4 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

5 - C10.18 Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

6 - C1.5 Additional Drawings to Follow

Additional drawings that show details of proposed new [windows, including the proposed rooflights/doors/eaves/verges and cills etc] to be used, by section and elevation, at scales [of/between 1:20 and 1:1] as appropriate, shall be submitted to and approved by the Local Planning Authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings.

Reason: To ensure the use of appropriate detailing on this extension to the Grade 2 listed building.

7 – Non Standard Condition

The cartlodge hereby approved shall be erected only as an alternative to the cartlodge approved under the planning permission F/COL/05/1880 and not as an additional building to the previously approved cartlodge.

Reason: For the avoidance of doubt as to the scope of this permission and to prevent an overdevelopment of this site.

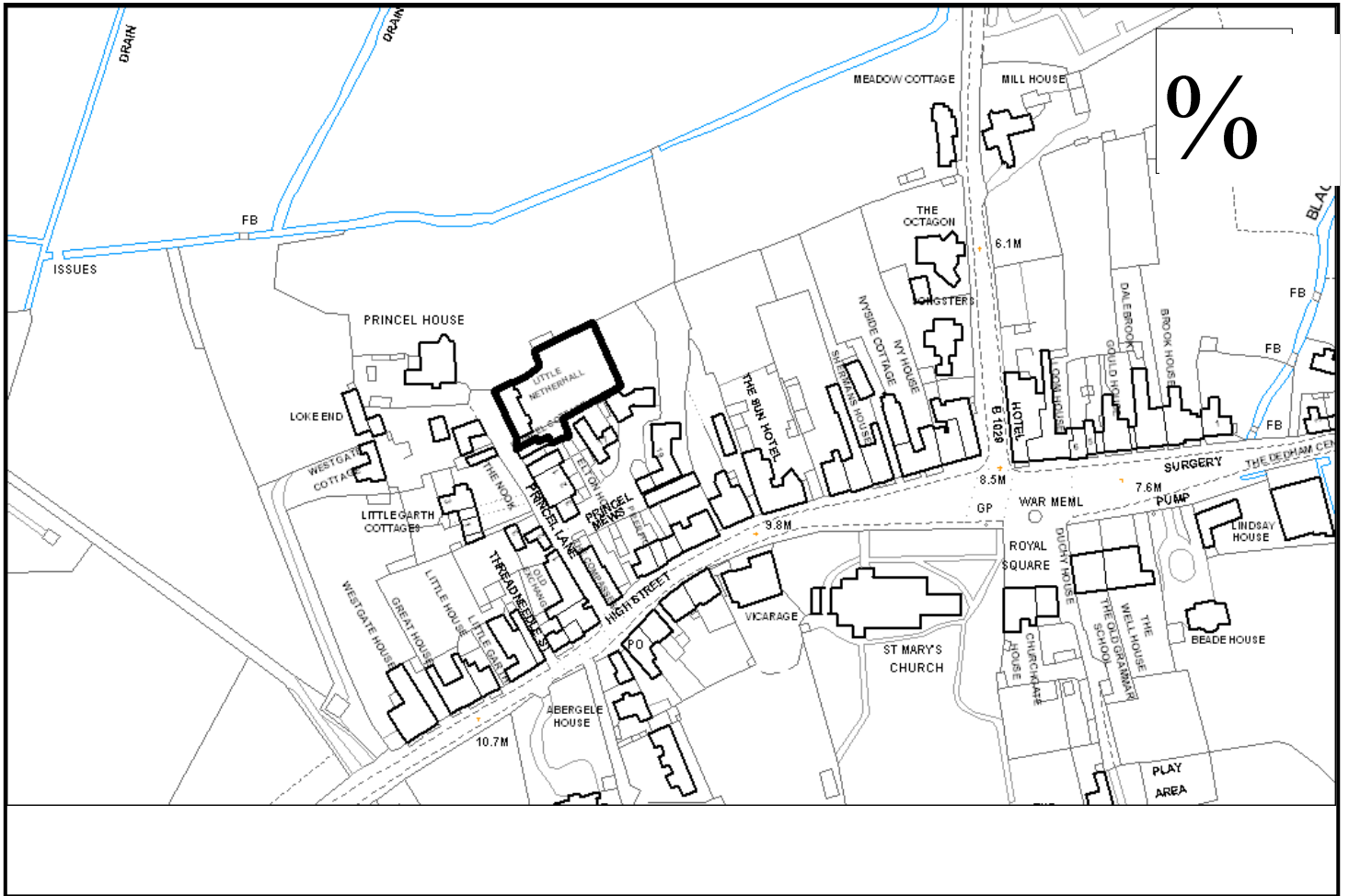
8 – Non Standard Condition

No windows or other openings shall be inserted or formed within the north facing elevations of the single storey extension hereby approved.

Reason: In order to safeguard the amenity of the adjoining residential property.

Informatives

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of works.



Application No: 091263

Location: Little Netherhall, Princl Lane, Dedham, Colchester, CO7 6HE

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.8 Case Officer: Nick McKeever

OTHER

Site: Little Netherhall, Princel Lane, Dedham, Colchester, CO7 6HE

Application No: 091263

Date Received: 28 September 2009

Agent: Wincer Kievenaar Partnership

Applicant: A Cotterell

Development: Proposed single storey rear extension to form kitchen/breakfast area, family room and utility area. Erection of single bay cartlodge.

Ward: Dedham & Langham

Summary of Recommendation: Listed Building Consent

1.0 Site Description

1.1 This is the companion application to 091261 (Item?? on this agenda) and seeks listed building consent for the works to the listed building that relate to the proposed single storey rear extension.

1.2 The listing description for this building is as follows:-

“C18. Timber framed and rendered, of one storey with attics in a gambrelled pegtiled roof. Two red brick chimney stacks and 4 flat topped dormers to the lane. Eaves. Four front doors. That at south pedimented on brackets, and 4 pairs of paned casements. Restored by R Erith and retaining some original features inside”.

1.3 The works associated with the proposed do not affect the exterior and the works to the interior are minimal with no impact upon the historic fabric.

1.4 The application is supported by the required Justification Statement, full details can be viewed on the Council website.

2.0 Land Use Allocation

2.1 Dedham Village Envelope
Countryside Conservation Area
Conservation Area
Area of Outstanding Natural Beauty

3.0 Relevant Planning History

3.1 080183 - Proposed boundary treatment between Little Netherhall and Princel Cottage
- Conditional Approval 10 March 2008

- 3.2 080187 - Proposed boundary treatment between Little Netherhall and Prinsel Cottage - Conditional Approval 10 March 2008
- 3.3 090624 - Proposed car port to rear garden - Condition Approval 2 July 2009
- 3.4 090627 - Proposed car port to rear garden - Conditional approval 25 June 2009
- 3.5 96/0642 - Alterations - Conditional Approval 2 July 1996
- 3.6 97/0545 - Single storey rear extensions, first floor shower room extension - Conditional Approval 12 June 1997
- 3.7 97/0546 - Single storey rear extensions, first floor shower room extension - Conditional Approval 12 June 1996
- 3.8 F/COL/05/1880 - Proposed car port to rear garden – Conditional Approval 24 May 2006
- 3.9 LEX/940/72 - New bathroom and alterations to kitchen – Conditional Approval 27 December 1972

4.0 Principal Policies

- 4.1 Adopted Colchester Borough Local Plan
Development Control Considerations - DC1
Listed Building – UEA5
Design - UEA11& UEA13

5.0 Consultations

- 5.1 The Design and Heritage Unit comments are that the proposal to form a new door opening in the rear wall by extending an existing window opening should be reconsidered.

6.0 Parish Council's Views

- 6.1 The comments of Dedham Vale Parish Council are as reported in the associated application for planning permission, 091261.

7.0 Representations

- 7.1 A letter has been submitted on behalf of the occupier of Prinsel House. Whilst not objecting in principle the following matters have been raised:-
- The additional height of the boundary wall should be done in brick. It may be better to extend the wall up rather than set back as shown. It should have a low parapet or upstand so that storm water landing on the roof is drained away on the applicant's side. The Applicant has been asked to clarify how it is intended that this part of the wall will be built.
 - Permitted development rights for the formation of any openings/windows in the wall should be removed

8.0 Report

- 8.1 The Applicant has been advised of the concerns expressed by Dedham Parish Council and the occupiers of Princel House. In a letter from the Agent, it is stated that the modifications and clarification sought by the occupiers of Princel House have been agreed. Amended drawings have now been received, which incorporate the slight modifications sought by the occupiers of this property.
- 8.2 With regard to the Parish Council comments, the roof of the link has been amended to a double pitch, lead roll roof. The area covered by the roof lights has been reduced and reduced reflective glass has been specified. The external flues are now the minimum height required by the Building Regulations, projecting 600mm above the ridge. These are circular in section and dark grey in colour, with lead cloaking, to match the proposed slate roof.
- 8.3 The amended drawings also retain the existing door opening from the host building to the new lobby. In addition the increased width of the opening from the main house to the extension has been omitted and the existing modern window opening has been used to create a door opening into the extension. These amendments are in accordance with recommendations made by the DHU Officer.

9.0 Conclusion

- 9.1 Having regard to all of the aforementioned matters and amendments, it is considered that the proposal is acceptable in respect of the impact upon the listed building. Consent is recommended accordingly.

10.0 Background Papers

- 10.1 ARC; Core Strategy; PTC; NLR

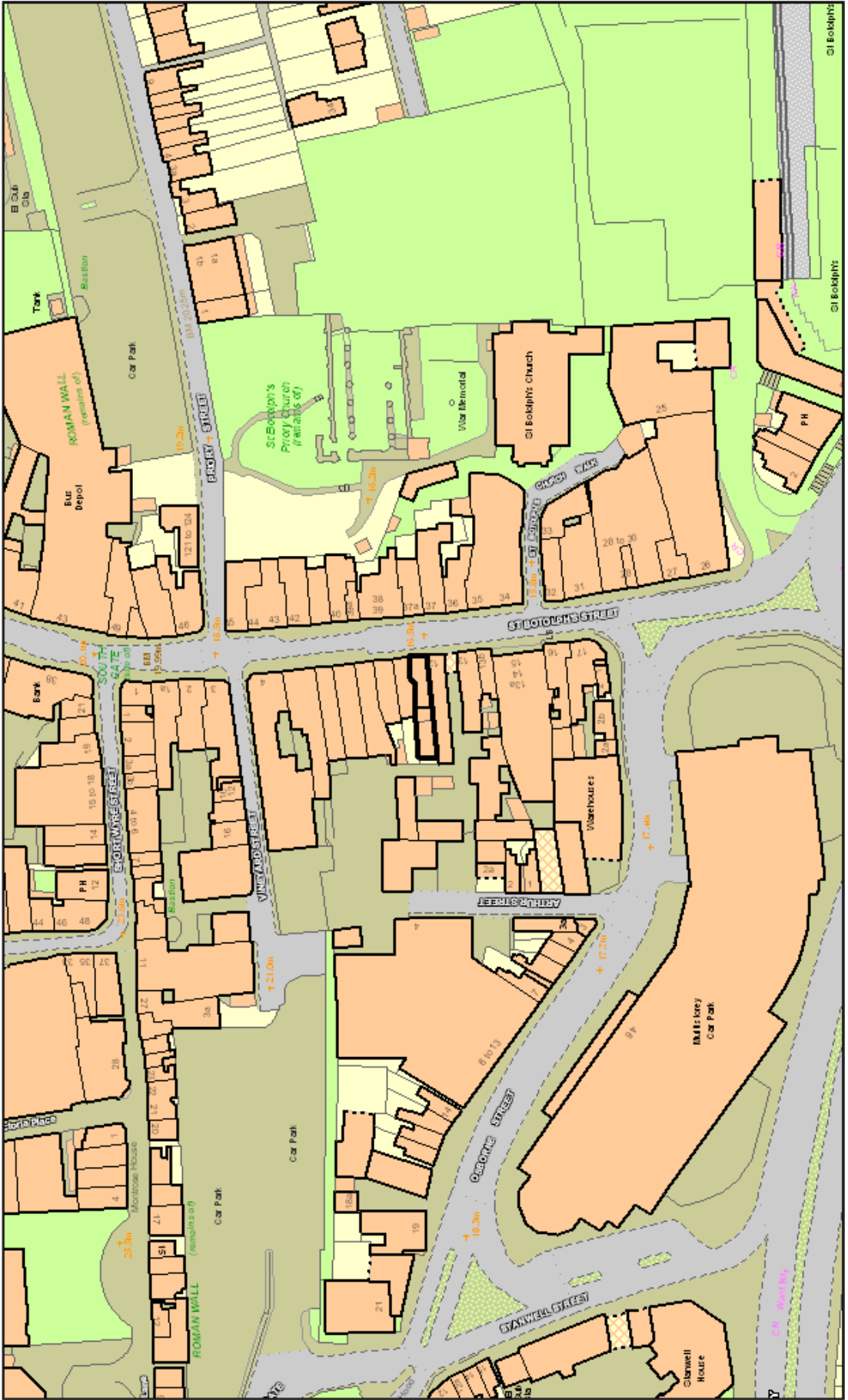
Recommendation - Listed Building Consent

Conditions

1 - A1.6 LBs & Con Area Consents-time limit

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.



MAP NOT TO SCALE

© Crown Copyright. All Rights Reserved. Colchester Borough Council 100023706 2007

Notice Number: 02020
Complaint Reference: 179355
Site Location Address: 11 St Botolph's Street, Colchester, CO2 7DU
Date Produced: 8 December 2009



Planning Committee

Item
8

17 December 2009

Report of	Head of Environmental and Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Geylanii Stores, 11 St Botolphs Street, Colchester		
Wards affected	Castle		

This report concerns the installation of external shutters and housing at a shop at 11 St Botolphs Street, which is within Colchester Conservation Area 1

1.0 Decision(s) Required

- 1.1 Members are requested to authorise the service of an enforcement notice requiring the removal of the shutters at 11 St Botolphs Street, with a compliance period of three months.

2.0 Reasons for Decision(s)

- 2.2 The shutter housing is of a poor boxy appearance, and the security shutter itself, which is of a solid design, is both visually unacceptable and also presents a 'deadening' appearance when fully operational in the streetscene. Policy DC1(b) of the Adopted Review Colchester Borough Local Plan requires that development will be well designed, having regard to local building traditions. These shutters appear incongruous and are contrary to the aims of this policy.

- 2.1 Policies UEA1 and UEA 2 state that Conservation Areas will be given special protection from development considered detrimental to their settings. In the case of a shop front, it should be of a high standard of design relating sympathetically to the character of the building and surrounding area. Materials should be sympathetic with the particular character of the area.

- 2.2 The shutters are contrary to existing planning policies and it is therefore considered expedient to take enforcement action.

3.0 Alternative Options

- 3.1 If no action is taken, after a period of four years, the development will become lawful and no action could be taken. In response to a Planning Contravention Notice, it was stated that the shutters were installed in September 2007. They would therefore become lawful in less than two years time.

4.0 Supporting Information

- 4.1 In April 2008 a complaint was made that the shutters and housing were unsightly. A site visit was carried out and it was explained to the occupier that planning permission was required for the shutter, but that this was unlikely to be approved. Advice on alternative security measures was given.

- 4.2 Mindful of the fact that the property lies within an area which is due to be regenerated, no action was taken when the shutters remained without a planning application being submitted. However, in the present economic climate it is not clear when the regeneration of this area is likely to proceed. Certainly it is unlikely to be before September 2011, when the shutters and housing would become immune from enforcement action.
- 4.3 Enforcement action has recently been taken in respect of shutters in four other locations and at two of these locations the shutters have already been removed. A review of all outstanding enforcement cases was recently carried out, with particular consideration being given to older cases, such as 11 St Botolphs Street. It was decided that it would be equitable to take enforcement action in this case.

5.0 Proposals

- 5.1 Members authorise the issue of an enforcement notice requiring the shutters to be removed.
- 5.2 Three months is considered a reasonable period of time to allow the removal of the shutters. This would allow time for an application to be submitted and determined following the service of the notice, or two install alternative security which does not require planning permission.

6.0 Strategic Plan References

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.



Site Location Plan

© Crown Copyright. All Rights Reserved. Colchester Borough Council 100023706 2008

Complaint Reference: 195631

Site Location Address: 7 Queen Street, Colchester, CO1 2PG

Date Produced: 8 December 2009

(MAP NOT TO SCALE)

Planning Committee

Item

9

17 December 2009

Report of	Head of Environmental and Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	The What Bar, 7 Queen Street, Colchester		
Wards affected	Castle		

This report concerns the unauthorised installation of wooden shutters to a Listed Building (LB)

1.0 Decision(s) Required

- 1.1 Members are requested to authorise the issue of a LB Enforcement Notice requiring the removal of the wooden shutters with a compliance period of three months.

2.0 Reasons for Decision(s)

- 2.1 13 Queen Street is a 17th century timber framed and plastered LB with a tiled roof. It has a cross wing at the north end with the upper storey projecting on the west front. It is within Colchester Conservation Area 1 and forms a group with All Saints Museum and 69 and 71 Culver Street.
- 2.2 The shutters are closed during the day and are hinged open only when the bar is open. This has a deadening effect on the building. The shutters are a crude modern addition to the building which is not considered acceptable.

3.0 Alternative Options

- 3.1 No action - The unauthorised works to the LB will not become immune to enforcement action after a certain period of time. Therefore action could be taken at any time. However these shutters are not appropriate and it is considered equitable to take action now to have them removed as action has been taken to remove shutters on other buildings which are not listed.
- 3.2 Prosecution - Any alterations to a LB, which affect its special character require LB consent. The shutters do affect the character of the building and therefore require consent. Carrying out alterations that require LB consent without consent is an offence which can be prosecuted in the Magistrates Court. Prosecution action can also be taken in addition to the service of a LB enforcement notice. In this case, the service of a LB enforcement notice will achieve the desired result of removing the shutters. No serious damage has been caused to the historic fabric of the building that cannot be remedied. Under the circumstances it is not considered appropriate to prosecute.

4.0 Supporting Information

- 4.1 In May 2008 a complaint was received by both licensing and planning investigations teams regarding the shutters at The What Bar. The licensees were advised that LB consent was required, but was unlikely to be approved. They were given advice on an alternative way of securing the premises which would be acceptable.
- 4.2 As the remedial work was not carried out, letters were sent to the owner of the building, leaseholder and licensee. A response was received from the owner advising that the licensee was responsible. As the shutters remained it appeared that enforcement action would be necessary, so a requisition for information notice was served on the owner of the building. Members may recall that a large mural had been painted on the side of this building. As a result of the service of the notice the mural was painted over and an architect contacted the investigation officer to discuss submitting an application for more suitable shutters. In August 2009 an application was submitted to retain the existing shutters, although it had been made clear they were not acceptable. However, incorrect information and inadequate details were supplied and the application was returned with a request for documents to be re-submitted with the correct information prior to its validation. The application was not re-submitted and the shutters remain on the property.

5.0 Proposals

- 5.1 It is proposed that a LB enforcement notice is served requiring the shutters to be removed.

6.0 Standard References

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.



Site Location Plan

© Crown Copyright. All Rights Reserved. Colchester Borough Council 100023706 2008

Complaint Reference: 178597

Site Location Address: The Small Holding, Colchester Road, Mount Bures, CO8 5BB

Date Produced: 8 December 2009

(MAP NOT TO SCALE)

Planning Committee

Item
10

17 December 2009

Report of	Head of Environmental and Protective Services	Author	Cheryl Headford ☎ 01206 282422
Title	Land at The Smallholding, Colchester Road, Mount Bures		
Wards affected	Fordham and Stour		

This report concerns the unauthorised storage and use of a residential showmans caravan without the benefit of planning consent and in breach of Condition 3 of Planning Decision Notice 090368

1. Decision(s) Required

- 1.1 Members are requested to consider the information contained in this report and to authorise an Enforcement Notice requiring:
- Cease using the showman's caravan on any part of the site for residential purposes
 - Disconnect all services (provision of water, electricity, heating, calor gas) which would facilitate residential use for any showmans' caravans
- 1.2 In terms of the period allowed for compliance, it is recommended that 6 months be allowed

2. Reasons for Decision(s)

- 2.1 The residential occupation is in breach of condition 3 of Planning Decision Notice 090368 which states that: "*No other part of the site known as "The Small Holding", nor any other caravan, vehicle or chattel shall be used for residential accommodation*".
- 2.2 The site lies in a defined rural area is in a Countryside Conservation Area and is remote from any defined village envelope and/or services including shops, schools and places of employment.
- 2.3 Policies in the Adopted Review Colchester Borough Local Plan – March 2004 seek to ensure that new residential development is located within proposed housing allocations or village envelopes, other than in exceptional circumstances. It further states that the countryside will be protected for its own sake with special protection being given to Countryside Conservation Areas. It is considered that the proposed development is contrary to the policies of the Local Plan.
- 2.4 A new development would result in haphazard and wholly unnecessary residential development contrary to policy and would introduce additional domestic traffic into a classified rural road, in a location not intended for further development and where there are no footways nor street lighting.

3. Alternative Options

- 3.1 Members could chose not to pursue enforcement action however this would result in consent by default and would be contrary to policy.

4. Supporting Information

- 4.1 The site was brought to our attention in April 2008 following the construction of a replacement barn, which was later given consent (Ref: 090368) for the storage of agricultural machinery and storage of one vintage showman caravan.
- 4.2 A site visit revealed that the showman's caravan was in residential use inside the barn building. This was confirmed by a gentleman on site, who stated that his son and son's girlfriend lived in the caravan.
- 4.3 On 24 April 2008 a Planning Contravention Notice was served and responded to on 16 May 2008. In it the owner stated that 2 caravans had been on site since July 2007 and March 2008 respectively. However, he had been restoring vintage showman caravans on the site since 1990, with 2 caravans on site at any one time. Currently he and his girlfriend were living in one caravan and the other was being restored. He stated that the he commenced occupying one of the caravans, sometimes for up to 5 nights a week, from December 1999 in order to provide security for the caravans, but that he had been living there on a permanent residential basis since February 2002.
- 4.4 On 21 May 2008 a letter was received from the owner's agent confirming the statements made on the PCN. He acknowledged that the residential use was unlawful and could not continue, stating that the full residential status was a result of not being able to afford a dwelling in the village. It was not seen as a long term measure, but temporary until an affordable property could be found in the locality.
- 4.5 On 14 October 2008 a further site visit established that the showman's caravan was now situated outside of the barn building, but was still in residential occupation.
- 4.6 A letter was sent to the occupiers in October 2008 requesting that they found alternative accommodation and vacate the residential occupation of the showman's caravan by 31 January 2009. This letter confirmed that the storage of the showmans' caravans was immune from enforcement action and also stated that planning consent was required for the new barn building, for the mixed use of storage of agricultural machinery and the showmans' caravans.
- 4.7 On 16 January the owner's agent phoned to say that he would be submitting an application for the retention of the barn and for the continued storage of one showman's caravan, asking for an extension to submit this until end of February. He also advised that the occupiers were seeking to be rehoused by the Council.
- 4.8 The application was eventually received and validated on 18 March 2009, with approval being given on 13 May 2009.
- 4.9 In May a further site visit took place and a meeting with the owner on site. By this time the owner had married his girlfriend and they were expecting a baby in a few weeks. During this meeting it was explained that the Council would agree to a further period of 6 weeks to allow time find alternative accommodation, after which authorisation would be sought for service of an Enforcement Notice.

- 4.10 In September 2009 the owner agreed that he had still been living on site, but was now moving in with his parents. A letter was sent advising that the caravan could remain on site (it had acquired immunity, being there since 1990) but that power and water must be removed so as not to facilitate further residential use. We advised that a further check would be made in November to ensure that the caravan remained as storage only and was not in residential use.
- 4.11 On 4 November 2009 the owner rang to advise that living with his parents had not proved successful and as a result they had moved out and were now back in the showman's caravan. He wished to discuss the possibility of submitting an application for temporary residential consent, however, he was advised that this was unlikely to be considered favourably.
- 4.12 On 24 November 2009 his agent confirmed in a phone call that no application would be made and we agreed that the only course of action was to serve an Enforcement Notice.

5. Proposals

- 5.1 It is considered expedient to serve an Enforcement Notice requiring the cessation of the residential use of the showman's caravan and removal of all services to the caravans which would facilitate continued residential use.
- 5.2 The showman's caravan is the principal residence of the occupiers and therefore a compliance period of 6 months is considered to be reasonable

6. Strategic Plan References

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; community safety; equality and diversity; health and safety or risk management implications.

7. Human Rights Implications

- 7.1 In the consideration of the action's impact on Human Rights, particularly, but not exclusively, to:

Article 8 - The right to respect for private and family life,
Article 1 of The First Protocol (Protection of Property) - The right to peaceful enjoyment of possessions, it is considered that:

In respect of Article 8, it is legitimate for the Council to pursue planning aims provided that this is not disproportionate to the human rights of any individual. As an appropriate compliance time has been proposed, it is considered that the enforcement action, is not disproportionate.

In respect of Article 1, it is accepted that planning law controls property in the general public interest. The exercise of the enforcement powers contained in the legislation, does not amount to deprivation, provided the action is proportionate.

The recommendation would have an impact on an individual's human rights, but having considered the level of impact and in the general interest of the public and in accordance with planning law, the proposed action is considered to be reasonable.

Background Papers

- Planning Decision Notice - Application No 090368
- Core Strategy Statement - Policy NV1
- Adopted Review Colchester Borough Local Plan – March 2004
Policies - DC1, H1, H7, CO1, CO3

INDEX TO PLANNING APPLICATIONS CODES

A	Advertisements	K	Certificate of Lawfulness
AG	Agricultural Determination	LB	Listed Building
C	Change of Use	M	County Matter
CA	Conservation Area	O	Outline
CBC	Colchester Borough Council	PA	Prior Approval
CC	Essex County Council	RM	Reserved Matters
F	Full	S	Electricity Consultation (Overhead Lines)
G	Government Dept. Consultation	T	Renewal of Temporary Permission
J	Alternative Development	X	Demolition in Conservation Area

INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

Note: Any Document or Consultee not included in these lists will be specified in full.

ARC	Adopted Review Colchester Borough Local Plan March 2004
BOT	St Botolphs Development Brief
CHD	Colne Harbour Urban Design Framework SPG - Nov. 2000
CPS	Cycle Parking Standards
ERP	Essex and Southend on Sea Replacement County Structure
GAP	Gosbecks Archaeological Park Draft Management Plan
HCP	High Woods Country Park Management Plan
MSP	Essex County Council - Minerals Subject Plan
VEM	East Mersea Village Appraisal - 19 February 1996
VFC	Village Facilities Survey 1995
VFD	Fordham Village Appraisal - 31 August 1994
VFG	Fingringhoe Village Appraisal - 1 September 1993
VGT	Great Tey Village Appraisal - 19 July 1993
VLG	Langham Village Appraisal - 6 April 1994
VPL	Peldon Village Appraisal - 4 June 1994
VRH	Rowhedge Village Appraisal - 20 November 1995
VWG	West Bergholt Village Appraisal - 30 August 1995
WMW	West Mersea Waterside Study

INTERNAL CONSULTEES

BC	Building Control Manager
CD	Conservation & Design Manager
CF	Financial Services
CU	Head of Street and Leisure Services
DO	Disability Access Officer
HA	Highway Authority (ECC)
HD	Housing Development Officer
HH	Environmental Protection (Env. Control)
MR	General Manager (Museum Archaeological)
PP	Head of Housing & Environmental Policy
SE	Head of Enterprise and Communities
SL	Legal Services
TL	Trees & Landscapes Officer - Planning Services

REPRESENTATIONS ETC

CAA	Correspondence with applicant/agent
CBC	Colchester Borough Councillor(s)
LAS	Other Local Amenity Society(ies) (not listed elsewhere)
NLR	Neighbours or Local Resident(s)
OTH	Other correspondence
PTC	Parish & Town Council(s)

EXTERNAL CONSULTEES (2 character codes)

AB	Soc Protection Ancient Buildings	HG	English Heritage - Historic Gardens
AM	Ancient Monuments Society	HM	English Heritage (Hist. Mon. Section)(England)
AR	Ardleigh Reservoir Committee	HO	The Home Office
AT	Colchester Archaeological Trust	HS	Health & Safety Executive
AV	Civil Aviation Authority	IR	Inland Revenue (Valuation)
AW	Anglian Water Services Limited	LF	Environment Agency (Waste Regs)
BA	Council for British Archaeology	MD	Defence Estates (East)
BD	Braintree District Council	MH	NEE Mental Health Services Trust
BG	Transco (B Gas)	MN	Maldon District Council
BH	Babergh District Council	MS	Marine Safety Agency
BO	Blackwater Oystermans' Association	NC	English Nature
BT	British Telecom	NE	North Essex Health Authority
BW	Essex Bridleways Association	NF	National Farmers Union
CA	Cmsn for Architecture & Built Environment	NI	HM Nuclear Installations Inspectorate
CB	Churches Conservation Trust	NP	New Possibilities Healthcare Trust
CE	County Education Department (ECC)	NR	Environment Agency
CH	Country Highways (Surveyor ECC)	NT	The National Trust
CS	Colchester Civic Society	PD	Ports Division (DETR)
CY	Colchester Cycling Campaign	PT	Petroleum Officer (ECC Trading Standards)
DS	Department of Social Security	RA	Ramblers Association
DT	Route Manager - Highways Agency	RD	The Rural Development Commission
DV	Dedham Vale Society	RE	Council Protection Rural Essex
DW	Dedham Vale & Stour Valley Project	RF	Royal Fine Art Commission
EB	Essex Badger Protection Group	RP	Rowhedge Protection Group
EE	Eastern Electricity – E-On	RR	Roman River Valley Society
EH	English Heritage	RS	RSPB
EI	HM Explosive Inspectorate	RT	Railtrack East Anglia
EN	Essex Wildlife Trust	RY	Royal Yachting Association
EP	Essex Police	SB	Save Britain's Heritage
EQ	Colchester Police	SD	MAFF Fisheries Office/Shellfish Division
ER	Essex Rivers Healthcare Trust	SK	Suffolk County Council
ET	Fair Trading (ECC Trading Standards)	SR	The Sports Council – Eastern Region
EU	University of Essex	ST	Colne Stour Countryside Association
EV	Environmental Health (ECC - Env. Services)	TB	Tollesbury Parish Council
EW	Essex & Suffolk Water Company	TG	Tendring District Council
FA	Essex Police - Fire Arms Officer	TI	Department of Trade and Industry
FB	Essex Fire & Rescue Service	TK	Tolleshunt Knights Parish Council
FC	Forestry Commission	TW	20 th Century Society
FE	Feering Parish Council	VI	Vehicle Inspectorate (GVTS)
GA	Colchester Garrison HQ	VS	Victorian Society
GE	Government Office for the East of England	WS	The Wivenhoe Society
GU	HM Coast Guard	WT	Wivenhoe Town Football Club
HB	House Builders Federation	WA	Wormingford Airfield (Gliding Club)
HE	British Horse Society	WW	Society Protection Ancient Buildings (Wind & Watermill Section)



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.